CORRUPT PRACTICES LEGISLATION

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EDITED BY BENJAMIN F. SHAMBAUGH

CORRUPT PRACTICES LEGISLATION IN IOWA

BY

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EDITOR'S INTRODUCTION

THE fact that social and political innovations are frequently in advance of the prevailing code of public morality is clearly illustrated in the history of popular elections. During the last century the suffrage expanded so much and popular elections multiplied so rapidly that the purity of the ballot has not been adequately protected by the development of an extra-legal code of public morality. And so, there has grown up a body of legislation, known as "corrupt practices acts", which aims to prevent various illegal and corrupt practices connected with popular elections — such as "illegal voting", "bribery", "undue influence", "intimidation", "personation", "treating", "betting on election results", and "improper campaign contributions and expenditures".

It is doubtless true that corrupt practices legislation must remain more or less ineffective until supported by an elevated public sentiment which will set its face resolutely against all forms of political corruption. At the same time the enactment of comprehensive corrupt practices acts will greatly aid in the development of a wholesome public opinion.

BENJ. F. SHAMBAUGH

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AUTHOR'S PREFACE

It is the purpose of this paper on *Corrupt Practices Legislation in Iowa* to treat the subject comparatively as well as historically. Accordingly, a chapter embodying the results of a comparative study of corrupt practices legislation in other jurisdictions is included. Some applications of the results of this historical and comparative study are made in the final chapter.

While the materials of this paper are drawn largely from legislative sources, current political literature has been found useful. To Mr. Dwight Akers, Secretary of the City Club of Chicago, I am indebted for assistance in securing newspaper material. And to the Superintendent of The State Historical Society of Iowa, Professor Benj. F. Shambaugh, I especially wish to express my gratitude for invaluable suggestions and criticisms generously given at every stage of the preparation of the paper.

Henry J. Peterson

The Iowa State Teachers' College
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GENERAL INTRODUCTION

The value of the ballot has not always been appreciated by the voter. Indeed, there are not a few citizens who still fail to realize the fact that the privilege of choosing men to public office was gained only after centuries of struggle. Some have been willing to sell the privilege of voting for a consideration. Others, feeling a dependence upon their employers for a means of livelihood, have been too easily influenced in casting their ballots. Moreover, certain individuals and organizations, fully aware of the advantage of having public offices filled by persons whom they may control, have not been slow to take advantage of these conditions. Thus, as everyone knows, there has been much corruption and no little intimidation in connection with elections.

To remedy these evils there has developed a species of legislation known as "corrupt practices acts", which may be taken to include all laws directed against conduct which in practice or design tends to hinder or improperly influence an elector in the exercise of his right of franchise so that his judgment is perverted or he fails to cast his vote in accordance with his real desire.

In early Iowa conditions were not favorable to the growth of corrupt practices. Offices were neither numerous, nor lucrative, nor specially attractive. There were no well organized special interests to seek favors from officeholders. Consequently there was little occasion for the improper influencing of voters, and the provisions of law relative to corrupt practices were brief

and fragmentary. But with the development of the country, the coming of railroads, the organization of municipal utilities, the building of factories, and the opening of mines conditions changed. Here as elsewhere the well organized industrial interests desired special favors in connection with the making and administration of law.

Since the year 1890 corrupt practices legislation in the United States has been aimed primarily at the control of the use of money in elections, on the theory that prevention of the commission of election offenses is more important and desirable than provisions for the punishment of such acts after they have been committed. Legislation along these lines includes (1) acts restricting campaign contributions as to source, amount, or the agency for raising funds, with corresponding restrictions on campaign expenditures, (2) laws requiring the publicity of campaign funds, and (3) statutes providing for State aid in conducting campaigns.

It appears that New York was the pioneer State in this kind of legislation, having enacted in 1890 a statute providing for the publicity of campaign contributions and expenditures. It was not, however, until 1907 that a similar law was passed by the General Assembly of Iowa. Moreover, a beginning has been made in Iowa in restricting the political activities of officeholders and public employees: Iowa prohibits campaign contributions by corporations and certain public officers and employees and forbids the employment of paid political workers on election day. But Iowa has no legislation restricting the amount which may be raised or expended. Nor are there any provisions for State aid to parties or candidates in conducting the campaign.

The need and importance of corrupt practices legislation are coming to be much more generally recognized throughout the United States, and corrupt practices acts are becoming correspondingly more numerous, more comprehensive, and more specific. Regarding the effect of the unrestricted use of money in elections, Governor Stokes in his message to the New Jersey legislature in 1906 says that "the elimination of money as a controlling factor in our elections is necessary to an honest expression of public opinion. The rich man should not be permitted, on account of his riches, to have an advantage over the man of small means in a contest for official preferment. Capacity, not wealth, manhood, rather than money, should be the test of fitness. Legislation can do something to this end."[1] Mr. Alton B. Parker clearly points out the effect of political corruption on the electorate — which after all is the important thing to consider. "There is, however", he says, "something worse if possible than the escape of such offenders [corporations or their agents active in politics] from justice. It is the gradual demoralization of voters and the dulling of the public conscience caused by the efforts to make these vast sums of money procure the ballots they were intended to procure, corruptly and otherwise".[2] Finally, Lord John Russell briefly sums up the effect of controlled elections upon the government as well as upon the electorate by saying that "there are no defects in the distribution of the franchise, however unjust, which are so destructive of public virtue or the credit of our representative system as these acts of bribery and corruption".[3]

On the other hand, those who lack confidence in the efficacy of corrupt practices legislation declare that while many of the laws against election offenses are altogether

admirable as to purpose, their enforcement has thus far been almost a complete failure. With the elections largely under the control of political parties — all of which are at times guilty of more or less corruption — with prosecuting officers often themselves beneficiaries of corruption or bound by loyalty to the party, and with courts inclined to give persons accused of election offenses the benefit of every doubt, it is said that there is no adequate agency to compel the observance of the laws. Moreover, it is pointed out that there is lacking a strong public opposition to election offenses. Too often the average party voter seems to hold that the end justifies the means, and so he is inclined to excuse any act which brings triumph to his party. Again, it is observed that if a defeated candidate contests the election he becomes unpopular and is scorned as being a "poor loser".

While it is true that corrupt practices acts have been difficult of enforcement and public opinion has not yet been fully aroused to the importance of uninfluenced elections, nevertheless corrupt practices legislation has had beneficial results. By means of laws passed during recent years — preventive rather than punitive — temptations have been removed. Furthermore, the value of a law is not measured by the number of cases successfully prosecuted under it, but rather by its success in removing evil conditions. The average citizen is not a law breaker; and so the prevalence of corruption is always greatly diminished by a clear statutory definition of corrupt practices. As suggested, the method of procedure in cases of corrupt practices has been one of the serious handicaps in the application of corrupt practices acts. With changes in procedure, such as have been adopted in Wisconsin, it is possible for public spirited men to take

a hand in the enforcement of the law and thus arouse public sentiment against political corruption. Moreover, that public opinion is being aroused to the need of corrupt practices legislation and the enforcement of such laws may be inferred from the public indignation against Lorimer and those Senators who voted in favor of his admission to the United States Senate.

I

HISTORY OF CORRUPT PRACTICES LEGISLATION IN IOWA

THE MICHIGAN ACT OF 1827

For the historical precursors of corrupt practices legislation in Iowa one must turn to the statute laws of the Territory of Michigan and of the original Territory of Wisconsin. An examination of the laws of Michigan reveals the fact that as early as 1820 reference was made to corrupt practices in "An Act to regulate the election of a Delegate to the Congress of the United States of America", two sections of which read as follows:

Section 17. *And be it enacted,* That if any person shall be guilty of any disorderly conduct at the election, or during the time of the examination, canvass and enumeration of the ballots, or of using corrupt, sinister, indirect or undue means to influence any elector or electors in giving in his or their ballots, the inspectors, or a majority of those acting at the time, are hereby authorised and required to commit the offender to imprisonment for a space not exceeding thirty days: and all sheriffs, undersheriffs, constables and gaolers are hereby strictly charged and required to aid and obey the inspectors herein.

Section 23. *And be it enacted,* That if any person shall, by bribery, menace or other corrupt means or device whatsoever, directly or indirectly attempt to deter any elector from giving his vote, or to influence him in giving the same, and shall be thereof convicted, such person shall forfeit and pay for every such offence, a sum not exceeding one thousand dollars, to the use

of the territory of Michigan, to be recovered on indictment, or by information, or by action of debt in any court of record.[4]

These two sections seem to overlap or conflict in that both define undue influence and each prescribes a different method of procedure and different punishment. It would appear, however, that Section 17 is directed primarily against disorderly conduct at elections, while Section 23 attempts to prevent the intimidation of voters generally. Moreover, in 1825 the provisions of the act of 1820 were made applicable to elections at which county officials were chosen.[5]

In 1827 the act of 1820 was revised under the title of "An Act to provide for the election of a Delegate in the Congress of the United States." This act, which was approved on April 12th, contains the following provisions in reference to corrupt practices:

Sec. 12. That if any person shall, directly or indirectly, give or promise, any meat, drink, or other reward, with an intention to procure his election, or the election of any favorite candidate, he shall forfeit and pay, for every such offense, a sum not exceeding five hundred dollars: and if any person shall furnish an elector who cannot read, with a ticket, informing him that it contains a name or names different from those which are written or printed therein, with an intent to induce him to vote contrary to his inclination, he shall forfeit and pay a sum not exceeding one hundred dollars: and if any person shall, by bribery or menace, directly or indirectly attempt to deter any elector from giving his vote, and shall be thereof convicted, such person shall forfeit and pay, for every such offense, a sum not exceeding two hundred dollars.[6]

Moreover, by an act approved on April 13, 1827, it was provided that the election of members of the Legislative Council should be held agreeably to the act regulating

the election of Delegates to Congress.[7] Thus, provisions relative to corrupt practices which were first enacted in reference to the election of Delegate to Congress in 1820 and later (1827) revised were extended in 1825 to elections at which county officers were chosen and in 1827 to elections at which members of the Legislative Council were chosen.

In this connection it is important to note that the provisions of the act of April 12, 1827, were in full force when the Iowa country was made a part of the Territory of Michigan in 1834. And so it may be said that the first corrupt practices legislation in Iowa consisted of Section 12 of the Michigan act of 1827, which along with other laws was extended over the Iowa country by virtue of the act of Congress of June 28, 1834,[8] and the act of the Legislative Council of the Michigan Territory of September 6, 1834, providing for the establishment of the original counties of Dubuque and Demoine.[9]

TERRITORIAL LEGISLATION 1836–1846

In 1836 the Iowa country was included in the newly established Territory of Wisconsin[10] and under that jurisdiction it remained for two years. It does not appear, however, that the Legislative Assembly of the original Territory of Wisconsin added anything to the corrupt practices provisions already in force, except two clauses in the general election law of January 18, 1838, which read as follows:

> And if any elector shall vote more than once at any election held under the authority of this act, he shall be fined in the sum of one hundred dollars, to be recovered by indictment before any court of competent jurisdiction, and the whole of such fine shall

be appropriated to the use of the county in which the offense may have been committed.

. . . . . .

And if any person shall vote at any election who is not a qualified voter, he shall forfeit and pay any sum not exceeding fifty dollars nor less than twenty-five, to be recovered in the same manner as other penalties under this act are: *provided however*, that if such person shall have been considered by the judges of the election a legal voter then such person shall not be so fined.[11]

By the act of Congress of June 12, 1838, establishing the independent Territory of Iowa the laws of the original Territory of Wisconsin (including, of course, the laws transmitted from the Michigan Territory) were declared to be in force in the new Territory.[12] Furthermore, it appears that the Legislative Assembly of the Territory of Iowa reënacted, in January, 1839, the general election law which had first been passed by the Wisconsin Assembly in 1838.[13] Thus, the statutory provisions relative to corrupt practices in the Territory of Iowa were at the outset the same as in the original Territory of Wisconsin. Moreover, the act of January 25, 1839, with its two brief references to corrupt practices was included in the *Revised Statutes of 1842–1843*.[14] But under the provisions of the general repeal act of July 30, 1840, it seems that the corrupt practices legislation (Section 12 of the act of 1827) which had been handed down from the Territory of Michigan was lifted from the statute books of Iowa.[15]

THE ACT OF 1849

It was not until 1849, nearly three years after Iowa had been admitted into the Union, that the General Assembly passed a distinct corrupt practices act under the

title of "An Act to preserve the purity of elections." Moreover, this act seems to have been in part the result of charges of election frauds on the part of both of the leading political parties in connection with (1) the elections of 1846, 1847, and 1848, (2) the attempts to bribe a member of the General Assembly in connection with the election of United States Senators in 1846, and (3) the deadlock of the General Assembly over the choice of United States Senators in 1846–1848.

In reference to the election of 1846 the *Iowa Capital Reporter,* presenting the Democratic view, says: "Our federal opponents in some parts of the state, chagrined at the idea that the thousands of dollars lavished by the eastern lords of the loom and spindle, through the Whig committee at Washington, have failed to throw the entire political control of Iowa into their hands, have so forgotten their obligations as men and citizens of a republic, as to menace us with a refusal of the Whig House to go into an election of United States Senators. This is in character with those political desperadoes who shamelessly *boast* of purchasing freemen at the polls like cattle in the shambles."[16] Whereupon the *Bloomington Herald* sarcastically replied that the *Reporter* put too low an estimate on the Whigs when it judged them by the example set by practical Locofocoism. "There could be no slander", it declared, "so severe on the *rank and file* of the Locofoco party as the *fear* expressed by the Reporter and its kindred spirits, in supposing that those who vote their ticket can be *bought.*— Think of this ye hardhanded rank and file! The leaders of your party say, shamefully *say,* that the Whigs have succeeded thus far in this state by *bribery,* and corruption! Now we ask you, in all seriousness, who among you have been bought with the

'gold of eastern manufacturers?' If any, come out and say so. We cannot believe it. We will not believe that you are as worthless as the *Reporter* charges. What is the condition of that press, that charges its own partizans with being bought? Reflect."[17]

The *Capital Reporter* answered the suggestions of the *Herald* by raising two questions: "*first;* whether it [the *Herald*] denies the charge that a considerable sum of money was sent into Johnson County by the Whigs, for the purpose of operating upon the election; *secondly,* whether it denies, and asks for the proof of the charge, that direct offers of bribery were made by one of the Whig candidates in this district."[18] The *Herald* in reply further emphasized the low estimate the *Reporter* had of its own party members in suggesting that they might be bribed. "The Reporter is very angry with us", it says, "because we drew a plain and natural inference from its remarks upon this subject of 'bribery.' It stated in substance, that the Whigs had succeeded in obtaining all that they had, in the late election, by pipe-laying, bribery, hog-driving, etc. Now in the name of common sense, if there was any 'bribery' done, who was bribed? Certainly not the Whigs — they were right anyhow, and if any one was bribed it must have been some of the Reporter's, heretofore, political friends."[19]

Again in the election of 1847 there were charges of the corruption of the electorate. *The Iowa Standard,* commenting on the Democratic victory, finds that "Some of our brother editors are endeavoring to account for our defeat, in a well grounded apprehension that there has been foul play; such as 'hog driving', 'pipe laying', etc. This is very probable.— We say to our friends, never despair.— Try it again. 'Better luck next time'.—'Truth

is mighty and will prevail' sooner or later. Don't waste time and words about 'illegal votes', 'importations', etc. Bow to the will of the *apparent* majority for the time being, like good Whigs, and acknowledge that the majority is against us."[20]

The election contest brought by Daniel F. Miller questioning the right of William Thompson to a seat in Congress from the first congressional district was, perhaps, an additional influence in bringing about general legislation against corrupt practices.[21] This contest grew out of the election of 1848 and was based on the charge that the election officials had rejected legal votes as being illegal and at the same time counted illegal votes. Moreover, the Whig platform for 1848 calls attention to the alleged political corruption of the time, declaring that "under cover of an assumed love of law and order, it [the Democratic party] has undertaken and cast from office a citizen chosen by a large majority of the popular vote, while, at the same time, it is represented in Congress by men elected without the shadow of laws".[22]

The need of corrupt practices legislation was further emphasized by the charges made by Nelson King, the Representative from Keokuk County, during the session of the First General Assembly. King declared that attempts were made to secure his vote for A. C. Dodge or J. C. Hall as United States Senator.[23] The deadlock of the General Assembly for two years in an effort to select United States Senators was, perhaps, a further factor,[24] since during the first two years of statehood the choice of United States Senators had been the chief issue leading to the charges of electorate and legislative corruption.

Due partly, it would seem, to the causes above given,

the General Assembly in 1849 passed the act entitled "An Act to preserve the purity of elections" which for that time was a rather comprehensive measure. Moreover, this important statute includes several provisions that are not necessarily a part of a general corrupt practices act. Thus, it prescribes the qualifications and disqualifications for voting, the method of challenging persons suspected of being illegal voters, and the oath or affirmation which the challenged voter was required to take before he was permitted to vote, and makes provision that ballots containing misspelled names of candidates were to be counted as the election judges might decide, providing the names on the ballot sounded as spelled. The act also provided for the punishment of election judges who willfully and corruptly violated their duty and of persons found guilty of stuffing the ballot box. The sections particularly defining corrupt practices read as follows:

Sec. 2 [3]. Any person who shall vote more than once at the same election, or who shall vote at any election, knowing himself not qualified thus to vote, shall, upon conviction, be fined not less than one hundred nor more than one thousand dollars, and be imprisoned in the county jail not less than one month, nor more than six months.

Sec. 4. Any person who shall advise, assist, or induce another to vote twice at the same election, or to give his vote knowing him not entitled to do so, shall receive the same punishment as above provided for the principal offender.

Sec. 5. Any person who by bribery shall attempt to influence any elector in giving his vote, or who shall use any threat, to compel such elector to vote contrary to his inclination, or to deter him from giving his vote, or who shall furnish an elector who cannot read, with a ticket informing him that it contains a name or names different from those which are written or printed there-

on, with an intent to induce him to vote contrary to his inclination, or who shall fraudulently or deceitfully change the ballot of any elector by which he shall be caused to vote for a person different from the one intended by such elector, shall, on conviction thereof, be punished in the same manner as is above provided for persons who vote twice at the same election.

Sec. 4 [6]. Any judge of election who shall mark the ballot of an elector for the purpose of ascertaining for whom the elector voted, or open and read the ballot of any elector after it has been given in, and before it shall have been deposited in the ballot box, shall, on conviction thereof, be fined not less than one hundred, nor more than one thousand dollars.

It was further provided that prosecutions under the act were to be conducted by indictment in the district court of the proper county. Moreover, the act repealed only such portions of former statutes as were inconsistent with its provisions.[25]

PROVISIONS OF THE CODE OF 1851

The corrupt practices provisions of the *Code of 1851* amplified the legislation of 1849 by giving more complete definitions of bribery, illegal voting, and undue influence and by adding a section to the provisions for guarding against collusion between election officials and persons attempting to commit election frauds.[26] Thus, the provision of the act of 1849 directed against bribery was superseded by the following section:

2691. If any person offer or give a bribe to any elector for the purpose of influencing his vote at any election authorized by law; and if any elector entitled to vote at such election receives such bribe, he shall be punished by fine not exceeding five hundred dollars or imprisoned in the county jail not exceeding one year, or by both fine and imprisonment at the discretion of the court.

Furthermore, it appears that two sections were added to the provisions of the act of 1849 in defining illegal voting. These read as follows:

2694. If any person go or come into any county of this state and vote in such county, not being a resident thereof, he shall be punished by a fine not exceeding two hundred dollars or by imprisonment in the county jail not exceeding one year.

2695. If any person willfully vote who has not been a resident of this state for six months next preceding the election, or who at the time of the election is not twenty-one years of age, or who is not a citizen of the United States, or who is not duly qualified from other disability to vote at the place where and time when the vote is to be given; he shall be fined in a sum not exceeding three hundred dollars or imprisoned in the county jail not exceeding one year.

The definition of undue influence was broadened by including the following sections:

2698. If any person unlawfully and by force, or threats of force, prevent or endeavor to prevent an elector from giving his vote at any public election in this state, he shall be punished by imprisonment in the county jail not exceeding six months and a fine not more than two hundred dollars.

2700. If any person procure or endeavor to procure the vote of any elector or the influence of any person over other electors at any election, for himself or for or against any candidate, by means of violence, threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payments of debts, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or by his means, he shall be punished by fine not exceeding five hundred dollars or imprisonment in the county jail not more than one year.

Further precaution was taken to prevent dishonest election officials from making agreements with those

wishing to control elections by incorporating the following section:

2702. When any one who offers to vote at any election is objected to by an elector as a person not possessing the requisite qualifications, if any judge of such election unlawfully permit him to vote without producing proof of such qualification in the manner directed by law, or if any such judge willfully refuse the vote of any person who complies with the requisites prescribed by law to prove his qualifications, he shall be punished by fine not exceeding two hundred dollars nor less than twenty dollars or by imprisonment in the county jail not exceeding six months.

Changes were also made in the penalties prescribed. Indeed, the tendency was to lessen the severity of the punishment by decreasing the amount of the fine and the length of the jail sentence by leaving to the court discretion as to the imposing of a fine or jail sentence and by the omission of a minimum penalty.

LEGISLATION FROM 1851 TO 1880

The provisions of the *Code of 1851* relative to corrupt practices were copied literally in the *Revision of 1860*[27] and later in the *Code of 1873*.[28] Indeed, from the time of the adoption of the *Code of 1851* to the year 1880 there was little if any additional legislation against corrupt practices in Iowa. There were, of course, introduced in the General Assembly some corrupt practices bills, which, however, failed of enactment. For instance, in 1858 there was passed by the House of Representatives a bill "to preserve the purity of elections"[29] which was laid on the table in the Senate.[30] In 1868 Mr. H. C. Rippey of the House of Representatives introduced a bill prohibiting betting on elections. The *Journal* records that this bill

was in due time laid on the table.[31] Again in 1872 a bill "to more effectually protect the ballot" was allowed to perish in the hands of the Committee on Elections to which it had been referred.[32]

As a phase of the general agitation against the liquor traffic in Iowa there was introduced by Senator W. A. Maginnis in 1876 a bill "to regulate the sale and gift of spirituous malt and vinous liquors on election day."[33] This bill was referred to the Committee on Suppression of Intemperance, which failed to report it to the Senate. During the following session (1878) the House, by a vote of 67 yeas, 28 nays, with 5 absent or not voting, passed a bill "to prohibit the sale of intoxicating liquors within two miles of cities and towns, and on election days".[34] In the Senate the bill was referred to the Committee on Suppression of Intemperance, upon the recommendation of which it was later referred to the Committee on Judiciary where it was permitted to expire.[35]

During the 1878 session of the General Assembly there was also introduced in the House of Representatives "a bill for an act to preserve the purity of elections." This measure was referred to the Committee on Elections by which it was reported without recommendation. No action appears to have been taken by the House.[36]

Meanwhile the liquor agitation resulted in the passing of a law in 1880 which made liquor treating at or within a mile of the polls on election day a misdemeanor.[37] During the same session there were introduced in the Senate two other bills directed against election offenses: one was "for an act for the prevention of bribery of voters and public officers", which was lost in the Senate on engrossment;[38] the other, which proposed "to amend section 3993 of the *Code of 1873* defining offenses against

the right of suffrage", passed the Senate,[39] but died in the House Committee on Judiciary.[40]

LEGISLATION FROM 1880 TO 1897

During the decade from 1880 to 1890 there was little legislation against election offenses, although several corrupt practices bills were introduced in the General Assembly. In 1884 Senator E. J. Gault proposed "a bill for an act to punish bribing and intimidation of voters and to preserve the purity and freedom of elections." The Committee on Elections after amending the bill reported it favorably, but no action seems to have been taken by the Senate.[41] Governor William Larrabee in his inaugural address on January 14, 1886, suggested the need of strengthening the corrupt practices provisions of the law. "The successful attempts to defile the purity of the ballot-box elsewhere", he declared, "already appear to exert their influence in our own State, for indications of illigitimate voting are by no means wanting in our larger cities, and appear to demand a revision of our election laws."[42]

While no action was taken directly on the Governor's recommendation to revise the election law, there was included in the registration act of that year a section which provided for the punishment of persons intimidating or trying to intimidate voters by gathering around the polls, hindering or delaying voters going to or from the polls, or soliciting the vote of any elector or attempting in any way to influence him in casting his vote. By the same act it was also made unlawful for any person who was not an election judge to give or offer to give tickets to anyone within one hundred feet of the polls, or for anyone to display his ballot so as to show how he had voted.[43]

During the same session there was also introduced in the House of Representatives a bill "to further protect the purity of the ballot box" which, however, seems to have failed to come to a vote.[44]

In his inaugural on January 12, 1888, Governor Larrabee again emphasized the importance of uninfluenced elections. "The purity of the ballot box", he said, "is the bulwark of our liberties. To defile it, whether by fraud or intimidation, is to strike at the very foundation of republican government."[45] Although no corrupt practices legislation was enacted by the General Assembly at this session, there was proposed in the House of Representatives a bill which seems to have contained provisions regarding election expenses. It passed the House,[46] but did not come to a vote in the Senate.[47]

Upon his election in 1889 Governor Horace Boies expressed a deep interest in securing legislation that would permit the voter freely to cast his ballot according to his own wishes. To bring about this condition the Governor in his first inaugural address, which was submitted on February 27, 1890, favored the secret ballot in these words:—

> The duty of the elector is plain: by the most sacred of human obligations he is bound to bring to the aid of the government of which he is a member the weight of his unbiased intelligence upon every political issue his vote helps to determine. And yet in countless ways the State is deprived of that which so justly belongs to it. . . . Self-constituted overseers pursue those who stop to consult their conscience or exercise their reason in the discharge of one of the most important of duties. The strong overcome the weak, employers too often control employes, the rich direct the poor, and all of these rob in a degree the nation and the State of that upon which their safety depends — the

deliberate judgment of those who exercise the almost sacred privilege of the elective franchise. . . . It is a humiliating fact, and yet one that it is criminal negligence to ignore, that some men are corrupt enough to buy, and others base enough to sell, the noblest birthright of an American citizen.

No duty is more plain than that which demands of the legislative department of every government the enactment of laws which shall to the utmost limit of utility surround the ballot-box with safeguards that will banish from all elections the corrupt use of money and secure to the state the unbiased judgment of each elector. This can, as I believe, be most effectually accomplished through statutes which compel the deposit of a secret ballot, the contents of which can never be made known except by him who deposits it, and then without evidence to corroborate his statement. Such laws put it beyond the power of others to criticize the elector's ballot who desires to keep it secret, and compels those disposed to use money corruptly to rely upon the uncorroborated word of men base enough to sell their votes.[48]

In response to the Governor's suggestion, several bills providing for the so-called "Australian ballot" were introduced in the General Assembly, but not one of them came to a final vote.[49]

In his second inaugural, on January 20, 1892, Governor Boies again pointed out the necessity of corrupt practices legislation, restating practically the same arguments for the secret ballot.[50] Petitions from the people also poured in on the General Assembly.[51] Finally, in response to these suggestions the General Assembly passed the general election law which provided for the Australian ballot.[52]

In his first inaugural Governor Boies had called attention to the prevalence of the intimidation of employees by their employers.[53] That such intimidation has been and still is practiced scarcely needs proof by the citation

of specific instances.[54] To eliminate this evil if possible there was included in the election law of 1892 the following provisions:

Sec. 24. Any person entitled to vote at a general election in this state shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of two hours, between the time of opening and closing the polls, and such voter shall not, because of so absenting himself, be liable to any penalty, or shall any deduction be made on account of such absence from his usual salary or wages; provided, however, that application for such leave of absence shall be made prior to the day of election. The employer may specify the hours during which said employe may absent himself as aforesaid. Any person or corporation who shall refuse to an employe the privilege hereby conferred, or shall subject an employe to a penalty or deduction of wages because of the exercise of such privilege, or who shall in any manner attempt to influence or control such voter as to how he shall vote, by offering any reward or threatening his discharge from employment, or otherwise intimidating him from a full and free exercise of his right to vote, or shall, directly or indirectly, violate the provisions of this section, shall be deemed guilty of a misdemeanor, and be fined in any sum not less than five dollars ($5) or more than one hundred dollars ($100).[55]

The act of 1892 also contained various provisions similar to those found in the act of 1886 guarding against the intimidation of voters and against attempts to nullify the secrecy of the ballot. The law made it illegal to electioneer or solicit votes on election day within any polling place, or within one hundred feet of the polling place; to interrupt, hinder or oppose a voter while approaching the polls; to interfere or attempt to interfere when the voter was within the voting booth or when marking his ballot; or to endeavor to induce a voter, be-

fore voting, to show how he intended to mark or had marked his ballot, and to willfully hinder the voting of others. Moreover, to further protect the secrecy of the ballot the act contained provisions making it unlawful for anyone purposely to expose or place identification marks on his ballot, or to make a false statement as to his inability to mark his ballot.

It was during the 1892 session that Mr. C. H. Robinson introduced in the House of Representatives "a bill for an act to prevent and punish improper use of money at elections." The bill passed the House by a vote of 78 yeas, 2 nays, with 20 absent or not voting.[56] In the Senate, however, the bill was not reported by the committee to which it had been referred.[57] In 1894 Mr. Robinson introduced a similar bill; and again his measure was passed by the House.[58] It was then taken up in the Senate and passed without a dissenting vote.[59] Thus was enacted the first legislation in Iowa to restrict the purposes for which money may be used in an election. The act makes the paying for political work for a candidate, for a political party, or for any measure on election day, or the receiving of pay for such work, a misdemeanor. Contracts made for the conveyance of voters to the polls are, however, specifically exempted. The same act also declares unlawful agreements to pay or receive remuneration for refraining from voting or advising others to refrain from voting.[60]

The chapter of the *Code of 1897* "On Offenses Against the Right of Suffrage"[61] includes the provisions of the *Code of 1851*[62] and of the act of 1894 for the prevention and punishment of the improper use of money at elections;[63] while the provisions against corrupt practices found in the general election law of the *Code of 1897*[64]

are very similar to those of the general election law enacted in 1892.[65] The *Code of 1897* also includes provisions prohibiting the keeping of saloons open on election day[66] and betting on election results.[67]

RECENT LEGISLATION 1897 TO 1912

In 1898 Senator Junkin proposed a bill defining corrupt practices in elections and providing penalties for its violation, upon which, nevertheless, no action seems to have been taken.[68] There was, however, incorporated in an act passed by the Twenty-seventh General Assembly, creating the Board of Control of State Institutions, a section prohibiting political activity or political contributions on the part of members of the Board or any officer or employee of an institution under the control of the Board.[69]

In 1902 Mr. William G. Kerr introduced in the House of Representatives a rather comprehensive but somewhat loosely drawn measure directed against corrupt practices.[70] This bill placed a limitation on political contributions and expenditures by candidates for the United States House of Representatives, by candidates for State elective offices, or by other persons in their behalf. The amount of the contribution or expenditure permitted was graduated according to the number of votes cast for the office. To secure his nomination or election, or both, the candidate or others working for him might contribute or expend in a district having not more than 5000 voters a sum not to exceed $100; for each 100 voters over 5000 and under 25,000, $1.50; and for each 100 voters over 25,000 and under 50,000, $1.00. Contributions or expenditures in excess of these sums voided the election of the person making it.

The Kerr bill also provided that a candidate should file a sworn itemized statement of contributions and expenditures for his nomination or election within fifteen days after the primary or election with the clerk of the county in which he resided and a duplicate with the board or officer issuing his certificate of election. Failure to observe this provision was to be punished by a fine not to exceed $1,000. Furthermore, the certificate of election was not to be issued, salary paid, or permission given to any person to enter upon the duties of the office to which he had been elected until the provisions of the law had been complied with.

A political committee was defined as "every two or more persons who shall be elected, appointed or associated for the purpose, wholly or in part, of directing the raising, collection or disbursement of money, and every two or more persons who shall coöperate in the raising, collection or disbursement of money used or to be used to further or defeat the nomination or election of any person or any class or number of persons to public office by popular vote, or to further or defeat any measure or proposition submitted to popular vote". Every political committee was required to choose a treasurer before being permitted to receive or expend money for political purposes.

All money collected or expended by a political committee or a member of the committee must first pass through the hands of the treasurer, who was required to keep a detailed account of money received or expended. All other persons receiving or expending more than twenty dollars for political purposes, unless received from or paid to the treasurer of the committee, were also required to keep itemized accounts of receipts and ex-

penditures. These statements were to be filed within twenty days after the primary, convention, or election in the office of the clerk of the county in which the treasurer lived. Any one receiving money or other thing of value from a political committee to expend for it was required to file a statement with the treasurer within eight days after the primary, convention, or election.

Moreover, according to the provisions of the Kerr bill no claim against a candidate or political committee might be paid unless presented for payment within eight days after the primary, convention, or election, unless the district court on investigation decided there was good reason for the delay. An additional statement must then be filed by the treasurer, unless such item had already been included in the statement filed. Violation of these provisions of the bill by the treasurer, political committee, or other person required to keep accounts, constituted a misdemeanor. The filed statements or duplicates were to be kept for four years, and the total receipts and expenditures published in two newspapers of opposite political parties in the county in which the nominated or elected person resided.

At any time during the term of an elective officer (except members of the General Assembly or of Congress) any elector might present a written application, verified by his affidavit, to the Attorney General pointing out some violation of the provisions of the proposed law or some other law by such officer, his agent, or political committee, or agent of such committee of the party of which the officer was the nominee, to secure his nomination or election. On the ground of this violation the elector might then request the Attorney General to bring action against the officer for his removal. The applicant

was required to put up a bond of $1,000 as a guarantee of good faith.

Within ten days of the filing of the application and bond it was the duty of the Attorney General to bring action or order the county attorney of the proper county to bring action against the person accused. The county attorney, if so ordered, was required to bring action within ten days after being notified by the Attorney General. If the Attorney General or county attorney failed to take action the applicant was given power to bring action, but at his own expense. Such cases were to be given preference over all other civil actions on the docket of any court of the State in which the suit was brought. If the charges against the officeholder were sustained, the election was voided, the vacancy filled as directed by law, and the defendant obliged to pay the costs. If the charges were not sustained, the plaintiff had to pay the costs. Testifying in such cases was made compulsory, but witnesses were granted immunity. The election of a member of the General Assembly might also be contested by any elector, but the contest was to be decided as prescribed by law then in force.

This bill, which is by far the most complete corrupt practices legislation thus far proposed in the General Assembly of Iowa, was on motion of Mr. Kerr himself dropped from the calendar.[71]

Several bills had been introduced during previous sessions of the General Assembly providing for primaries. It was under the leadership and at the suggestion of Governor Cummins that the first primary law was enacted. In his message to the Thirtieth General Assembly primary legislation and the inclusion in such legislation of penalties for fraud, intimidation, and bribery were

recommended.[72] Responding to this suggestion the legislature passed an act providing for primaries in counties having a population of 75,000 or more. This act declares the offering, giving, or receiving of bribes, illegal voting, or aiding illegal voters, to be offenses against the primary. To agree to perform any service in the interest of any candidate in the primary for pay or to receive pay for work done are also made unlawful. Conveyance of voters to the polls for a reasonable remuneration, however, is permitted.[73]

During the 1904 session of the General Assembly various other bills directed against corrupt practices were introduced in the House of Representatives, but none of them were placed on the statute books. Mr. J. F. Lundt proposed a bill making it a misdemeanor for a candidate directly or indirectly to use or distribute money to buy cigars, beer, or whiskey to secure votes. As a penalty the bill provided for the revoking of the offender's candidacy, depriving him of his right to vote at the following election, and for imposing a fine.[74]

Early in the same session Mr. L. D. Teter introduced a bill directed against election offenses,[75] but later withdrew it and incorporated its provisions in a more comprehensive measure. This more complete bill prohibited during a primary or election campaign the use of liquor, cigars, refreshments, money, railroad passes, or "anything of value whatsoever" to influence voters, and provided for the filing of statements of campaign expenditures by the candidates in primaries or elections with the auditor of the county in which the candidate lived. These statements were to include money spent by or for the candidate and the assessment of his political party. It contained the further proviso that political

assessments were permissible if the money was used for paying the expenses of holding political meetings. The amount of money which a candidate might be assessed by the political organization was fixed in the same manner as the limitation on a candidate's total expenditures in the Kerr bill of 1902. As a penalty for the violation of its provisions by a candidate the bill provided for the voiding of his nomination or election. One-half of the fines collected through violations were to be paid to the informant in each case.[76]

Another bill introduced in 1904 had, it would seem, a two-fold object in view: to compel careless electors to come out and vote; and to strengthen the law of 1894 directed against corrupt agreements to refrain from voting. This bill made failure to vote on the part of an elector who was physically able a misdemeanor and barred the offender from exercising his right to the franchise for two consecutive elections.[77]

Not discouraged by the failure of his earlier measure, Mr. Teter introduced in the House during the next session (1906) a bill containing the same provisions regarding the publicity of campaign expenditures and the limitation as to the amount of political assessment of candidates. It added, however, a provision permitting payment for the conveyance of voters to the polls out of money raised through the assessment of candidates.[78] Two similar measures were also proposed by Mr. J. I. Nichols. One provided for the publicity of campaign contributions and expenditures on the part of political officials handling campaign funds.[79] This bill was later withdrawn.[80] The other bill made it a misdemeanor for political officials conducting a campaign to spend campaign funds for intoxicating liquor.[81] This bill was in-

definitely postponed on the recommendation of the Committee on Judiciary.[82]

In the meantime the New York insurance scandal and the publication of the Harriman-Roosevelt correspondence had called the attention of the people throughout the country to the political activity of corporations and to the necessity of ousting them from politics. As a means to this end laws were passed in various States restricting or prohibiting corporation contributions to campaign funds, as well as legislation requiring publicity of political contributions and expenditures. This nation-wide agitation directed the attention of the people of Iowa to their own political condition. Here the railroads had been especially active in politics — a fact that is well brought out by Governor Cummins in his message to the General Assembly in 1906. "In this state", the Governor asserted, "the railway companies are the political corporations, and while they have not introduced here all the methods which have been observed elsewhere, it is manifest that they have intended to direct the course of the state, and that they still intend to direct it if it be within their power."[83]

The situation as regards railroad domination in Iowa politics was further indicated by Mr. Leon Brown in the *Register and Leader* in discussing the reason for passing the bill prohibiting corporation contributions to campaign funds. "It was the demand of the people", he writes, "that the railroads get out of politics in this state that gave birth to primary agitation and it was their persistent and intolerable participation in the effort to control politics through conventions that invited the Peterson bill to prohibit them from financing campaigns again in Iowa".[84] The same paper says:

Divorcement of politics and corporations has been made as complete as human-made law makes possible. The Peterson bill to prohibit corporations from contributing to campaign funds of political parties and to the campaigns of candidates for office both before the primary and the general election, supplements the primary bill. Not again, it is thought, will Iowa see the spectacle of railroad corporations financing a campaign to defeat for nomination and for election a man devoted to the mission of securing legislation in restriction of corporations. Never again will the railroads spend $250,000 to defeat a single candidate for office in Iowa.[85]

That the people of the State were becoming aroused over the situation is evidenced by the platforms of the two leading political parties in 1906. The Republican platform adopted at the State convention, which was held on August 1st, declared that "we are unalterably opposed to the domination of corporate influences in public affairs. We favor the enactment of stringent statutes, to purge the politics of our state and nation from the corrupting influences of corporate power. And we pledge ourselves to the enactment of such laws as will render it unprofitable and unpopular for corporations to engage in politics or in any way contribute to political campaigns."[86] The Democratic platform adopted at the State convention, which was held at Waterloo on August 7th, contained a similar plank. "We believe", it is asserted, "the politics of our state should be unhampered by the influence of corporate power and are in favor of stringent laws punishing all corporations or persons representing them who contribute campaign funds to any political organization."[87]

Governor Cummins, elected on an anti-corporation platform, also gave expression to the popular protest in

his message to the General Assembly which met on January 14, 1907; and he recommended legislation to remedy the condition.

That it has become a custom with corporations of various kinds to make contributions to accomplish or defeat the nomination of candidates for public office, and to assist in the election of candidates for public office, is so well known and has been so completely established that I need not pause to prove its existence. There are many reasons, of the weightiest character, which demand an immediate prohibition against such misuse of corporate funds, coupled with a penalty of imprisonment for the violation of the law: First, the growing tendency to use money in political campaigns is subversive of the fundamental principles of good government, for it not only destroys purity of motive, but it overthrows the safety which is always found in individual and independent action. Second, it is a plain theft from every stockholder who does not give his assent to the contribution, and the misappropriation is peculiarly obnoxious because it oftentimes puts the money of a stockholder at work for a candidate whose success the stockholder does not desire. Third, the practice gives to the corporation an influence in public affairs simply because of the money contributed — an influence which is necessarily both selfish and vicious. Corporations should, of their own motion, vigorously exclude themselves from politics, and the most effective way to give them strength to resist temptation is to fix a penalty for participation, so severe that the honest course will be the most attractive one. I recommend, with all my earnestness, the enactment of a measure upon this subject that will stop, at once and forever, so odious a misuse of corporate property.[88]

With public opinion thus clearly crystallized, the General Assembly was ready for action. On January 28, 1907, Senator C. E. Peterson introduced in the Senate a bill to prohibit corporation contributions to campaign

funds. This bill was referred to the Committee on Corporations of which Senator Peterson was a member. The committee reported the bill for passage, but with certain amendments. These amendments considerably strengthened the bill by making its provisions applicable to primaries as well as elections, by adding safeguards against indirect corporate political contributions, by including corporate bribery of public officials, and by modifying the immunity clause for witnesses in permitting the prosecution of witnesses guilty of perjury. Slight changes were also made by unanimous consent in the wording of the amendments before the bill passed the Senate.[89]

The importance of the Peterson bill and the significance of the amendments which were made to it in the Senate warrants its presentation in full as first introduced and later amended by the Senate. The omissions are bracketed, while changes suggested by the committee and adopted by the Senate are italicised.

A Bill for an act prohibiting any corporation doing business within the state or any officer, agent or representative thereof acting for such corporation, from giving or contributing any money, property, labor or thing of value, to any member of any political committee, party or employe thereof, or to any candidate for any office, for campaign expenses or political purpose whatsoever[.], *or to any person, partnership or corporation for the purpose of influencing or causing said person, partnership or corporation to influence any elector of the state to vote for or against any candidate for public office or candidate for nomination for any public office or to any public officer for the purpose of influencing his official action.* And prohibiting any member of any political committee, party or employe thereof, or any candidate for any office from soliciting, requesting or knowingly

receiving any such contribution from any corporation for campaign expenses or political purpose whatsoever, and providing a penalty for the violation thereof.

Be it enacted by the General Assembly of the State of Iowa:

Section 1. It shall be unlawful for any corporation doing business within the state, or any officer, agent or representative thereof acting for such corporation, to give or contribute any money, property, labor or thing of value, directly or indirectly, to any member of any political committee, political party, or employe or representative thereof or to any candidate for any *public office or candidate for nomination to any public office* or to the representative of such candidate, for campaign expenses or for any political purpose whatsoever[.], *or to any person, partnership or corporation for the purpose of influencing or causing such person, partnership or corporation to influence any elector of the state to vote for or against any candidate for public office or for nomination for public office or to any public officer for the purpose of influencing his official action.*

Sec. 2. It shall be unlawful for any member of any political committee, political party, or employe or representative thereof, or candidate for any office, or representative of such candidate, to solicit, request or knowingly receive from any corporation or any officer, agent, or representative thereof, any money, property or thing of value belonging to such corporation, for campaign expenses or for any political purpose whatsoever.

Sec. 3. No person, and no agent or officer of any corporation within the purview of this act shall be privileged from testifying in relation to anything herein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he is required to give his testimony [or produce any documentary evidence.], *provided that he shall not be exempted from prosecution and punishment for perjury committed in so testifying.*

Sec. 4. Any person convicted of a violation of any of the provisions of this act shall be punished by imprisonment in the

county jail not less than six months or more than one year, and in the discretion of the court, by fine not exceeding one thousand dollars ($1000.00).[90]

The bill as amended passed the Senate without a dissenting vote — only three members being absent or not voting. In the House of Representatives the bill was referred to the Committee on Judiciary. That there might be no question raised regarding the freedom of the press in general, and in discussing political issues, candidates, and public officers in particular, the committee recommended that the bill be amended by striking out the period at the end of Section 1, and inserting a comma followed by the clause: "but nothing in this act shall be construed to restrain or abridge the liberty of the press or prohibit the consideration and discussion therein of candidacies, nominations, public officers or political questions." This amendment was adopted. But Representative J. F. Offill's proposition that the bill be amended so as to apply only to railroads was voted down. The bill as amended then passed the House of Representatives by a vote of 85 yeas and 9 nays, with 14 absent or not voting.[91] The Senate agreed to the House amendment, and the bill as thus amended received the Governor's signature on March 26, 1907.[92]

To supplement the act prohibiting corporate campaign contributions Governor Cummins favored legislation requiring the publicity of campaign contributions and expenditures. In recommending such action to the Thirty-second General Assembly the Governor said:

> I recognize that there must be some expenditure of money in every political campaign, whether for nomination or for election. There are legitimate purposes for which money can be expended, and to this extent, when contributed by individuals, there can be

no criticism of the practice. We will all agree, however, that the expenditure of money in political controversies has passed beyond a fair and reasonable limit. Other countries and other States have attempted to restrict the use of money within honest bounds through that very efficient corrective — publicity. I think the State of Iowa should do likewise, and I strongly recommend a law that will require not only political committees, but candidates for nomination and for election, to publish their expenditures.[93]

Following this recommendation, Mr. L. D. Teter again introduced a bill providing for the publicity of campaign expenditures, which contained the provisions of his bill of 1906 and in addition a section similar to a provision of the Nichols bill requiring a statement of expenditures by political officials. Mr. Teter's bill was referred to the Committee on Elections, which failed to report it.[94]

The committee, however, reported a bill of its own drafting on the publicity of campaign expenditures. Mr. Teter moved to substitute his own bill, with the last section, which limited the amount of a candidate's party assessment and the purposes for which money so raised might be used, omitted. The substitute was lost, and the bill with some proposed changes was again referred to the Committee on Elections. The committee, having again considered the bill, reported a substitute bill which passed the House of Representatives without a dissenting vote.[95] In the Senate the vote was 32 yeas and 7 nays, with 11 absent or not voting.[96]

The act as passed is entitled "An Act to amend title six, Chapter 3 of the Code, relating to elections", and applies to primaries and to municipal and general elections. By its provisions candidates are required to file a sworn itemized statement of all contributions and ex-

penditures with the proper official within ten days after the primary or election. A statement is also required from the committee chairmen of the various political committees. These statements are open to public inspection at all times, and remain on file as a part of the permanent records in the offices where filed. The act also contains a section prohibiting treating "in or about the polling place" at municipal, primary, and general elections, and makes it the duty of the election officials to enforce the provisions.[97]

As passed the bill was made clearer in regard to the disposal of the publicity statements. The original bill merely provided for the filing of the statement with the auditor of the county where the candidate or political officer lived. Moreover, it restricted the use of money raised by the assessment of candidates to paying the expenses of political meetings and the conveyance of voters to and from the polls. The act would seem to have been weakened in that the original provision prohibiting treating in a primary or election campaign was struck out and the provision prohibiting treating near the polls on primary or election day only was substituted.

During the 1907 session a State-wide primary law was also enacted. This act copies the provisions of the primary act of 1904 regarding corrupt practices except that it makes illegal the paying or offering to pay for political work for a candidate as well as receiving pay for such work. The provision specifically permitting the making of contracts for the conveyance of voters to the polls is eliminated, and instead there is substituted a provision permitting the making of contracts with newspapers for political announcements and the paying for securing signatures to nominating petitions.[98]

As a part of the progressive legislation of the 1907 session of the General Assembly there was also enacted a law providing for the so-called commission form of government for municipalities. The condition leading to the passage of this act was the corruption and inefficiency in the administration of the larger cities of the State under the old system of municipal government. Under the old plan of city government it had been easy to build up political machines through the control of elections. John J. Hamilton describes the means by which this was made possible in Des Moines in these words:

> The methods, too, by which certain aldermen secured and held their places in the council were open to censure. Bribery of voters was shamelessly practiced. Ballot boxes had been stolen or unlawfully exposed to manipulation before the count of votes. The machinery of elections and nominations was often kept in the hands of reckless and unscrupulous men and in some cases of actual criminals. Judges of election or agents of "the city hall ring" unlawfully admitted to seats beside them were seen to "kill" ballots unfriendly to the ruling cabal by putting additional pencil marks upon them so that they must be thrown out. Returns from the "tough" precincts were, in close elections, held back until the machine could determine how many votes were needed to hold it in power; which number, with a safe margin, was suspiciously forthcoming.[99]

As a part of the plan to secure popular control of municipal government, the commission government statute contains provisions similar to the primary act of the same year prohibiting (1) the offering or receiving of bribes, (2) illegal voting, and (3) knowingly aiding illegal voting at municipal elections. The commission act differs from the primary act in its provisions against paid political workers in that it merely penalizes the

person who agrees to work for a candidate for pay. To further lessen the possibility of the building up of a political machine, secure more efficient service, and prevent the assessment of officeholders the act provides that:

> Any officer or employe of such city, who, by solicitation or otherwise, shall exert his influence directly or indirectly to influence other officers or employes of such city to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding three hundred dollars ($300) or by imprisonment in the county jail not exceeding thirty (30) days.[100]

Other bills were introduced in the House of Representatives in the 1907 session, but none of them were enacted into law. Mr. W. P. Alfred proposed a bill to alter the code definition of bribery by making it include treating.[101] A measure to prohibit treating by a candidate before "any nomination or any proposed nomination or previous to or during any election", and for the publicity of campaign contributions and expenditures, was introduced by C. B. Paul.[102] This bill proposed also to limit the purpose for which money might be used, to promote the nomination or election of a candidate, to the bona fide personal expenses of the candidate and the expenses of holding political meetings. Even such expenditures were to be limited to certain fixed amounts, according to the office sought by the candidate. Thus a candidate for a State office might pay out a sum not to exceed $750, while a candidate for a school office was not permitted to spend more than $25. The Paul bill, however, seems to have died in the Committee on Elections.[103]

During the session of 1909 there was introduced in

the House of Representatives a bill to limit the amount a candidate might spend to secure his nomination or election to five per cent of a term's salary. The bill, being unfavorably reported by the committee to which it had been referred, was indefinitely postponed by the House.[104] In the Senate it appears that Mr. E. G. Moon proposed an amendment to the election law so as to provide for the filing by the chairmen of the various political committees of statements of campaign contributions and expenditures five days before an election and ten days after the election. This bill was lost by a vote of 24 to 19.[105]

An act passed at the 1911 session of the General Assembly (being amendatory to the law of 1907 providing for commission government for cities) further emphasizes the desire of the people to take municipal employees out of politics and protect them from political assessments by including a provision prohibiting campaign contributions by members of the fire and police departments of commission governed cities.[106] In the Senate there was introduced a bill "prohibiting candidates for office from giving away, paying for, or treating to any drinks, cigars or other refreshments, or paying or providing for the admission to shows, entertainments or other performances and providing a penalty therefor." This bill was, on the recommendation of the Committee on Elections, indefinitely postponed.[107] In the House of Representatives it appears that Mr. A. A. Lenocker proposed a bill for compulsory voting at general and city elections. Electors under seventy years of age, and not having a reasonable excuse, were to pay a "tax" to the county of $3.00. The bill was referred to the Committee on Elections, whose report to indefinitely postpone the bill was adopted by the House.[108]

II

AN ANALYSIS OF CORRUPT PRACTICES LEGISLATION IN IOWA

BRIBERY

Bribery may be defined as the deliberate purchase or sale of votes for money or other consideration. Its purpose in connection with elections is to secure for the candidate or party the vote of a member of an opposing party or of a voter who claims no party affiliations. At a primary, however, the choice being between candidates for the party nomination, the purpose is to secure the support of one's party members.

Bribery is an offense not readily susceptible of direct proof, as it is usually the result of a bargain between two persons both of whom are interested in keeping the fact secret. Other reasons making the enforcement of any legislation against bribery difficult have already been suggested. Thus, while Iowa has enacted legislation directed against bribery, cases coming before the courts are not numerous. Indeed, it would be difficult to determine to what extent bribery has and does prevail in Iowa. It is doubtless true that there has been considerable traffic in votes in our larger cities — perhaps more especially in connection with municipal elections. Here the inducements for bribery are great: political machines to keep themselves in power, or public utility corporations uniting with the vicious elements to keep their agents in power, have frequently resorted to vote buying and other

forms of corruption. Outside of the larger cities, however, it is doubtful if there has been much bribery. Party feeling has always been strong in our rural communities, and elections throughout the State have not usually been considered close politically — except in some of the congressional districts.

According to the Territorial laws of Michigan any person who directly or indirectly attempted to influence a voter through bribery was liable to a fine of not to exceed $1,000;[109] but by the legislation of 1827 this sum was reduced to $200.[110]

Iowa legislation against bribery dates from the year 1849, when the law made bribery punishable by a fine of from $100 to $1,000 and a jail sentence of from one to six months.[111] The *Code of 1851* broadens the earlier definition of bribery by including the offering and receiving of bribes, and at the same time fixes the penalty for bribery at a fine not to exceed $500 or imprisonment in the county jail for a term not to exceed one year, or both.[112] In municipal elections in commission governed cities persons giving or receiving bribes in the form of money "or other consideration" may be fined from $100 to $500 and also given a jail sentence of from ten to ninety days.[113] The act regulating primary elections provides as penalties for the offering or giving or receiving of a bribe in the form of money or other consideration the same fine or a jail sentence of from thirty days to six months.[114]

Moreover, the Attorney General's office has interpreted the bribery provision of the law to mean that the giving of pencils, pens, or other things of value, however slight, to voters for the sake of influencing their vote constitutes bribery. On the other hand, the Supreme Court has held that it does not constitute bribery, at an

election to relocate a county seat, for persons interested in the location at a particular place to give or furnish facilities for the convenience of the whole county.

Some party members who would refuse to accept a bribe for voting the ticket of the opposing party have been willing to accept money for refraining from voting. To reach this class of offenders an act was passed in 1894 providing that a person who makes an agreement with another to pay or receive money or other valuable thing for not voting, or for inducing another voter not to vote, is guilty of a misdemeanor and may be fined from $50 to $300 or sentenced to a term in jail not to exceed ninety days.[115]

Unless the briber has some means of knowing whether the purchased vote is delivered, money expended for bribery is, of course, fruitless. To ascertain how ballots have been cast, various methods have been resorted to — such as marking ballots, showing of the ballots by the voter, or collusion with the election officials. To fortify bribery laws provisions are therefore necessary to preserve the secrecy of the ballot. An act of 1885 providing for the registration of voters for municipal elections contained a section for this purpose, making it illegal for a voter to expose his ballot in such a way as to intentionally show how he voted or for any one to give or offer tickets to any one not an election judge within one hundred feet of the polls. It was made the duty of the election judges to prevent the violation of these provisions by posting notices within one hundred feet of the polling place and "in other ways", and at the same time to cause the arrest of offenders. Violation of the act constituted a misdemeanor, penalized by a fine of from $50 to $200 or by a jail sentence of from twenty days to six months, or both.[116]

The general election law of 1892 which provides for the Australian ballot — the adoption of which was for the purpose of eliminating bribery and intimidation — contains similar provisions for maintaining the secrecy of the ballot. The act defines as election offenses the following: (1) purposely exposing one's ballot; (2) attempting to induce a voter to show how he intends to mark or has marked his ballot; (3) placing on the ballot any identification marks; (4) collusion between the parties concerned in a bribery agreement and election officials by the voters making false statements regarding their inability to mark the ballot. All these acts are punishable by a fine of from $5 to $100 or a jail sentence of from ten to thirty days, or both.[117]

The *Code of 1897* contains the provisions of the law of 1892, except that it does not charge election judges with the enforcement of the statute and incorporates the definition and penalty for bribery as given in the *Code of 1851* along with the provisions of the law of 1894 regarding payments for refraining from voting or inducing others to refrain from voting. Since the primary act and the act providing for commission government in certain cities were passed after the enactment of the *Code of 1897* their provisions are of course not found therein.

In interpreting the section of the *Code of 1897* prohibiting the placing of distinguishing marks on the ballot by voters, the Supreme Court of Iowa has held that where a voter marked the squares opposite each candidate's name on a party ticket and also made a mark in the circle at the head of the other party ticket, the latter could not be considered as an identification mark.[118] However, a ballot crossed in the squares opposite all the names of a party ticket — except for township trustee which was left

blank and a cross inserted in the square opposite the blank for township trustee in another party ticket where there was no candidate for township trustee — the ballot was considered as marked for identification purposes since there was no apparent reason for such mark except to serve as an identification mark (*Morrison vs. Pepperman*, 112 Iowa 471). Furthermore, where the unauthorized mark is not of a character to be used readily for the purpose of identification the ballot ought to be counted; but where the unauthorized marks are made deliberately and may be used as a means of identifying the ballot it ought to be rejected (*Whittam vs. Zahorik*, 91 Iowa 23).

While bribery is usually the result of a bargain between two persons, bribery *en masse* is possible. Thus, the Supreme Court has held that a promise made by a candidate for a county office to serve for a less amount than the fees provided by law and to turn the balance into the county treasury as an inducement to get votes is indirect bribery since most of the voters are taxpayers. Hence it was held that the offer not only invalidated the votes cast by those influenced by the offer, but also voided the election of the offending candidate.[119] In rendering this opinion the Supreme Court pointed out the evil of such a system of bidding for office as tending to divert the elector's attention from the personal merits of the candidates to the price to be paid for the office. Aside from the evil effect on the attitude of the voters in respect to their duties as citizens, it would lead, the court held, to the election of incapable and untrustworthy officers.

UNDUE INFLUENCE

Undue influence may be defined as the bringing to bear of direct or indirect pressure on a voter to influence

him in casting his ballot. It may take the form of brute force or violence, or threat to use such force or violence, or, as is at present more usual, of open or veiled threat of pecuniary, social, or spiritual injury. The difficulty of reaching this form of corruption through legislation is at once apparent. The employer through a casual hint or conversation gives his employees to understand what will happen or not happen if the election goes a certain way; sample ballots marked to indicate the candidates favored by the employer are distributed among the employees;[120] employees are sent out on the employer's time to work with other employees; false reports are circulated as to the attitude of candidates on certain questions, such as the labor question or the church; candidates of only a certain party are permitted to address the workers in shops or factories; or "advice" is enclosed in pay envelopes.

The incident of a Mormon apostle influencing the Mormon voters in early Iowa is a good example of an attempt to exert religious influence in politics.[121]

In Iowa instances of the intimidation of railroad employees are, perhaps, more numerous than those of any other class of workers. This is perhaps due to the fact that the railroads are the largest and most completely organized interest in the State. Conversations with railroad employees usually bring out the fact that the authorities have been in the habit of "advising" their employees as to whom they should vote for, in spite of legislation forbidding such activity. Legislation against undue influence, therefore, has for its object the elimination of such conditions, for the purpose of leaving the voter free to express at the polls his unbiased opinion on political affairs.

According to the Michigan Territorial legislation of 1820 a person convicted of using threats or "other corrupt means or device whatsoever", direct or indirect, in attempting to influence an elector in voting or refraining from voting might be fined not to exceed $1,000.[122] Again, an act of 1827 provided that any person who by menace, directly or indirectly, attempted to keep an elector from casting his ballot might be fined not more than $200 for each offense; while deceiving an elector regarding the contents of his ballots was made punishable by a fine not exceeding $100.[123]

The Iowa corrupt practices legislation of 1849 provided that any person who used any threat to get a voter to cast his ballot contrary to his wishes, or to deter him from voting, purposely deceived an illiterate voter regarding the contents of his ballot, or changed an elector's ballot so that he voted contrary to his wishes, might be fined from $100 to $1,000 and be imprisoned in the county jail from one to six months.[124] These provisions, however, were repealed by the *Code of 1851,* which defines as undue influence procuring or endeavoring to procure the vote of any elector, or the influence of any person over other electors at any election for himself, or for or against any candidate, by means of violence, threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of debts, or bringing any civil or criminal action, or any other threat of injury to be inflicted by him or by his means. Violation of this section of the Code was punishable by a fine of not more than $500 or a jail sentence not to exceed one year. The *Code of 1851* further provides that preventing or attempting to prevent a voter from casting his ballot by force or threat of force may be pun-

ished by a fine of not more than $200 and a jail sentence of not to exceed six months. Deceiving an illiterate voter concerning the contents of his ballot or changing it so the voter's ballot is cast contrary to his wishes was penalized by a fine of from $100 to $1,000 and a jail sentence of not exceeding two years.[125]

While Iowa has been comparatively free from the violence which has too often characterized elections in some of the large cities of the country, elections in this State have not at all places and at all times been peaceful gatherings of electors to express their political opinions, free from outside pressure. Even at present one sometimes reads of disturbances in connection with elections held in Iowa. Concerning the Des Moines primary election to select candidates for the final election of municipal officers in the spring of 1912 the *Register and Leader* says that "voters had objection to the loafers and tough element which hung around the polling places last Monday. Several persons who called at the city hall stated that they had turned away without voting last Monday owing to the gang of hangers-on around the polls."[126]

It was to prevent this form of intimidation that an act was passed in 1886 containing a provision which made it illegal at a municipal election to loaf within one hundred feet of the polls, hinder or delay a voter in going to or from the polling place, or solicit or attempt in any way to influence a voter in casting his ballot. The penalty for the violation of this statute was a fine of from $50 to $200 or a jail sentence of from twenty days to six months, or both. It was made the duty of the election judges to prevent, as far as possible, the violation of these provisions by posting notices within one hundred feet of the polls in conspicuous places "and in other ways", and to cause the arrest of offenders.[127]

A general election law passed in 1892, applying to all except school elections, restated the above as election offenses, though in some cases with slight changes or omissions, and added some other acts of a similar nature. The provisions of the statute in some respects are not very clear and seem somewhat conflicting. Electioneering or the soliciting of votes within one hundred feet of the polls, interrupting, hindering, or opposing a voter while approaching the polls, might be punished by a fine of from $25 to $100, or a jail sentence of from ten to thirty days for each offense, or both. Moreover, any one interfering or attempting to interfere with a voter when inside the polling place or when marking his ballot, or trying to get the voter to show how he intended to mark or had marked his ballot, might be fined from $5 to $100 or imprisoned for a term of from ten to thirty days, or both. It was made the duty of the election judges to enforce these provisions. The act finally adds the general provision that willfully hindering the voting of others may be punished by a fine of from $10 to $100 or a jail sentence of from ten to thirty days, or both.[128]

The provisions of the present law as found in the *Code of 1897* covering this form of intimidation of voters include the provisions of the *Code of 1851*, except that the provision against deceiving an illiterate voter as to the contents of his ballot is directed only against election officials, and the provisions of the general election law of 1892, except for the omission of the general prohibition of the hindering of voters. It stipulates that the violation of the provisions taken from the general election law of 1892 may be punished by a fine of from $5 to $100 or a jail sentence of from ten to thirty days, or both. The provision which made it obligatory for the election judges

to enforce the law on this point is also omitted. Moreover, the *Code of 1897* forbids loitering or congregating at or within one hundred feet of the polling place, but provides no penalty for the enforcement of this clause.[129] However, the *Code of 1897* provides that "when the performance of any act is prohibited by any statute and no penalty for the violation of such act is imposed, the doing of such act is a misdemeanor" (*Code of 1897,* p. 1934).

The object of employing personal workers at elections is two-fold. In the first place the personal worker is supposed to be able to swing from five to fifteen votes for the candidate or party for which he is working.[130] Again, the employment of personal workers may be used indirectly as a cloak for buying the worker's vote. Iowa legislation directed against the employment of such paid personal workers dates from the year 1894, when an act was passed by the General Assembly making the hiring of workers on election day a misdemeanor and provides that both the giver and receiver of money or other thing of value for this purpose may be fined from $50 to $300, or sentenced to jail for a term not to exceed ninety days. The act makes an exception, however, in the case of contracts made by individuals or political committees for the conveyance of voters to and from the polling place for reasonable pay.[131] Earlier legislation, however, permits each political party to employ three poll watchers.[132]

A primary election law of 1904 prohibited the employment of paid personal workers in a primary. This law provided as punishment, for any person who agreed to "perform any service in the interest of any candidate" for money or other valuable thing or accepted pay for work performed, a fine of not more than $300 or a jail sentence not to exceed thirty days. The law exempted

contracts for the conveyance of voters to and from the polls[133]— a provision that was repealed by the primary law of 1907. According to the 1907 act the giving, offering, or receiving of money or other valuable thing for political work in a primary is penalized by a fine of not more than $300 or imprisonment not to exceed ninety days; but the act permits contracts for political advertisements and for securing signatures to nominating petitions at a reasonable remuneration.[134] The act passed during the same session providing for the commission plan of government makes it illegal for any person to agree to perform any services for a candidate for a municipal office. Violation of this provision is punished by a fine not to exceed $300 or a jail sentence of not more than thirty days.[135]

The Spoils System is based partly on a theory of the political activity of the officeholder as a return for his appointment; and so, corrupt practices acts have contained provisions for the elimination of such activities. The importance of legislation directed against the political influence of officeholders is admirably brought out by President Cleveland in his instructions to cabinet members which read as follows:

> Officeholders are the agents of the people, not their masters. Not only is their time and labor due to the Government, but they should scrupulously avoid, in their political action, as well as in the discharge of their official duty, offending, by display of obstructive partisanship, their neighbors who have relations with them as public officials.
>
> They should also constantly remember that their party friends, from whom they have received preferment, have not invested them with the power of arbitrarily managing their political affairs. They have no right as officeholders to dictate the

political action of their party associates or to throttle freedom of action within party lines by methods and practices which pervert every useful and justifiable purpose of party organization.[136]

To prevent political activity on the part of public officials and employees the act creating the Board of Control of State Institutions prohibits the use of political influence by members of the Board or any officer or employee of any institution under the control of the Board. Any such person who by soliciting or otherwise uses his position directly or indirectly to influence the political views of other officers or employees connected with such institutions may be removed from office by the proper authority.[137] With the same object in view the act providing for commission government in Iowa makes it a misdemeanor for any officer or employee of the city to solicit or otherwise exert his influence, directly or indirectly, to affect the political views of other officials or employees or to secure their votes for a particular person or candidate. Violation of this act may be punished by a fine of not to exceed $300 or a jail sentence of not to exceed thirty days.[138]

Perhaps the most demoralizing phase of corrupt practices in Iowa elections has been the control or attempted control on the part of employers of the votes of their employees. Employers have, at least in the past, realized more fully than employees the value of a vote in a system of government like ours. Some employers seem to act on the assumption that the giving of employment carries with it the right to control the employee's vote. That employers are in a position to use such influence with employees, and have often done so, few will question.

The activity of the railroads in this respect has been especially notorious in Iowa. For example, in 1910 the railroads used influence with their employees to defeat a certain candidate for the office of railroad commissioner. And at the same election the saloon interests were accused of opposing in the same way the election of the Republican candidate for Attorney General.[139]

In an attempt, therefore, to remove influences affecting employees in exercising their right of franchise, the Iowa legislature included in the general election law of 1892 certain restrictions on employers.[140] To prevent employers from intimidating their employees by granting those who vote "right" time to vote, while refusing those suspected of voting "wrong" the necessary time for voting, this statute compels employers to give their employees two hours' time for voting without penalty of any kind. The law, however, requires employees prior to election day to notify their employer, who may then fix the time. An employer who refuses to grant his employees time to vote, penalizes them for taking time off for voting, attempts to influence or control the voter in casting his ballot by offering a reward, threatens to discharge the employee, or in any other way tries to intimidate the employee, or directly or indirectly violates the provisions of the act in any manner may be fined from $5 to $100.[141] It seems to be true, however, that the penalty provided has not noticeably deterred the more powerful employers from attempting to influence their employees at elections.

TREATING

As a rule the purpose of treating is not to buy the votes of members of opposing parties, but rather to

"enthuse" and confirm the members of one's own party. In a primary campaign, however, the appeal being primarily to the party members by candidates for the party nomination, there is little difference between treating and bribery, except in the name. To give the voters the impression that he is a "good fellow" the candidate hands out his notorious campaign cigars or treats the prospective voter to drinks — at least these are the usual forms of treating in an Iowa campaign. The effectiveness of this sort of an argument with a certain class of voters can hardly be questioned.

As early as 1827 the Michigan Legislative Council provided that any person who directly or indirectly gave or promised any meat, drink, or "other reward" with the intent of securing his own election or that of a favorite candidate might be fined a sum not to exceed $500 for every offense.[142] It was not, however, till 1880 that Iowa legislated directly against treating. Treating by means of liquor and cigars has been, and in some communities still is, one of the most corrupting influences in connection with elections. Too often candidates have been elected to office for no other reason than that they are "good spenders" in the campaign. The Iowa statute of 1880 made it a misdemeanor to give or offer intoxicating liquor, including ale, wine, or beer, to a voter at or within one mile of the polls on election day before the time of closing the polls. On conviction the offender was liable to a fine of from $5 to $100, or a jail sentence of not to exceed thirty days, or both.[143] Moreover, the act of 1907 providing for the publicity of campaign funds contains a section making it the duty of election officials at municipal, primary, and general elections to prohibit the placing of, keeping, or giving to voters, cigars, food, or

other refreshments or treats in or about the polling place. Violation is punishable by a fine of from $50 to $300, or imprisonment of from thirty days to six months.[144]

ILLEGAL VOTING

Illegal voting means the casting of a ballot by a person who for some reason or another is not by law entitled to the privilege. This is an offense not easily reached by legislation, since intent is usually held to be the important consideration by the courts when passing on such cases. "Repeating" and "colonizing" are the principal forms of illegal voting.

The general election law enacted by the Legislative Assembly in 1839 contained a section making illegal voting punishable by a fine of from $25 to $50. Moreover, if the election judges considered the person casting the ballot a legal voter he could not later be accused of illegal voting. Repeating was punishable by a fine of $100.[145] By the legislation of 1849 the following acts were declared illegal: (1) repeating; (2) voting by a person who knew he did not possess the required qualifications; (3) advising, assisting, or inducing another to vote twice at the same election, or to vote when he knew such person not to be a qualified voter. Violation of these provisions was punishable by a fine of from $100 to $1,000, or a jail sentence of from one to six months.[146]

The provisions of the *Code of 1851*, which still constitute the law regarding offenses of this character, changed the penalty (1) for counselling a person to vote, when knowing such person to be unqualified, to a fine of from $50 to $500 and a jail sentence of not to exceed one year, (2) for repeating, a fine not to exceed $200 or a jail sentence of not more than one year, and (3) for voting

when knowing oneself to be unqualified, a similar fine of $200 or imprisonment for a term not to exceed six months.[147] Under the latter provision it has been held that the State may prove disability without stating in the indictment what the disability is. The essential point is that the person voting knows himself to be disqualified.[148]

The *Code of 1851* provided further that voting in a county of which one is not a resident may be punished by a fine not to exceed $200, or a jail sentence of not more than one year. It stated that a person who votes, being disqualified by reason of non-residence, nonage, not being a United States citizen, or on account of some other disability, may be fined not more than $300, or imprisoned in the county jail for a term of not more than one year.

It is no defense on the part of a person accused of illegal voting to show that he voted on the advice of other voters who were not learned in the law.[149] The court argued that if such a rule were permitted the purity of the ballot could not be maintained, since evasion of the law would be possible for any one. It is the duty of citizens who are ignorant of the qualifications of voters to inform themselves by looking up the law or seeking the advice of persons qualified to give the needed information. Voting outside of the township of which one is a resident is also an offense against this section;[150] for residence is not merely a question of fact but intent as well. Living in a township the required time would not make one a resident if such person were there merely for temporary purposes and did not intend to make that place his home. Voting outside of the precinct in which a person has his residence may not necessarily be sufficient evidence to convict him of illegal voting; for, if the person so voting believes himself to be a legal voter

of another precinct and has consulted legal advisers, he is not considered guilty of illegal voting.[151]

The Code further provides that a judge who illegally permits a person, challenged by an elector as being unqualified, to vote without requiring proof, or refuses the ballot to one complying with the requirements of the law, may be fined from $20 to $200 or sentenced to jail not to exceed six months.

The Supreme Court has held that to render an election officer liable for refusing the ballot of a voter it must appear not only that the voter was qualified to vote, but also that the ballot was offered to the officer who refused to receive it during the time when it was the duty of the officer to receive votes (*State vs. Clark,* 102 Iowa 685).

The origin of State regulation of primary elections in Iowa may be traced to the legislation of 1898. In order to exclude from the party primary persons who are not members of the party a law was enacted which provides that at any party primary to nominate candidates or to choose delegates to party convention, it is illegal for a person who is not at the time of the primary a bona fide member of the party to participate. Nor may persons who are not qualified voters take part in such primary. To violate this section, or to knowingly procure, aid, or abet such violation, is made a misdemeanor. The penalty in either case is a fine not to exceed $100 or a jail sentence of not more than thirty days. Moreover, it is considered prima facie evidence of violation of the act for any person who has taken part in one party primary to vote in the primary of another party at the same election. The election judges are given the power to administer oaths and to examine any person offering to vote regarding his right to take part in the primary: it is made their duty

to do so if a challenged person desires to vote. Persons testifying falsely regarding any material matter affecting his right to vote are held guilty of perjury.[152]

The primary election law of 1904, which made the holding of party primaries obligatory in counties having a population of 75,000 or more, declares as illegal, willfully voting or offering to vote without the residence qualifications, the age qualification, United States citizenship, or knowing oneself not to be a qualified voter of the precinct where one attempts to vote. Voting under these circumstances constitutes a misdemeanor punishable by a fine of from $100 to $500 and imprisonment for from ten to ninety days. Knowingly procuring, aiding, or abetting the violation of these provisions are penalized in the same manner.[153]

The act of 1907 providing for State-wide primaries has the same provisions regarding illegal voting, but the penalty for violation is changed to a jail sentence of from thirty days to six months or a fine of from $100 to $500.[154] The act providing for the adoption of commission government in certain municipalities contains the same definition of illegal voting, but provides as penalty a jail sentence of from ten to ninety days with a fine of the same amount as provided in the primary act of 1907.[155]

BETTING ON ELECTION RESULTS

The purpose of betting, so far as it concerns the subject of corrupt practices, is to indicate to the party members a confidence in the outcome of the election, to bring the wavering voters who desire to be on the winning side to the support of their ticket, and to discourage the members of the opposing party. Betting is also resorted to as a means of concealing bribery.

The Iowa law provides that "any person who records or registers bets or wagers or sells pools . . . . upon the result of any political nomination or election . . . . shall be fined not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both."[156] According to an interpretation of this section, issuing from the office of the Attorney General, "the making of any bet or wager on the result of any election or on the success or failure of any candidate for any office, is a crime under our laws."[157] *The Marshalltown Times-Republican* in commenting upon this interpretation declares that "a year in the county jail for wagering a cigar on whether John Doe would beat Richard Roe for township constable, would be paying dearly for the smoke, but such penalty could be paid under the Iowa law", according to the ruling from the Attorney General's office.[158]

RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS

In a political campaign money is needed for a number of purposes. Of these, perhaps the principal legal expenditures are for the maintenance of the party headquarters; hiring of halls; paying of speakers and political "workers" of various kinds; conveyance of voters; making up and distributing political literature; advertising through newspapers, bulletin boards, motion picture shows, and the like; distributing banners, buttons, flags, and campaign emblems; and incidentals such as postage, messenger fees, telephone, and telegrams. Moreover, services rendered during the campaign are usually paid for at an exorbitant rate. In the past a large share of the money collected has been appropriated by the agents handling the funds. Illegal purposes, such

as the purchase of votes and treating, greatly increase the sum used in conducting a campaign.

It was Henry Watterson who said that in a campaign money counts more than principles. Harriman estimated that the fund of $240,000 raised by him for the 1904 New York campaign turned 50,000 voters in New York City alone and made a difference of 100,000 in the general result. Money being so essential, parties are obliged to solicit large funds. Moreover, a large campaign contribution seems to imply that the party receiving it is placed in a position of debtor to the contributor and is expected to return the favor if it gets into power.

It is a well known fact that business affected by some form of State regulation or desiring special favors from the government endeavors to call to its aid the influence of parties through campaign contributions. This idea was well expressed by Jay Gould when, in describing the political activity of the Erie Railroad, he said that in a Republican district his corporation contributed to the Republican campaign fund and in a Democratic district to the Democratic campaign fund, while in a close district contributions were made to the funds of both parties — always for the Erie Railroad. A primary motive then in prohibiting campaign contributions from certain sources is to eliminate selfish interests that contribute to party funds as a matter of business in order to be in a position to secure legislation in their favor or to ward off legislation or the enforcement of laws which might be injurious to their enterprises.

To eliminate this influence in Iowa politics legislation was enacted in 1907 which makes it "unlawful for any corporation doing business within the State, or any officer, agent or representative thereof acting for such

corporation, to give or contribute any money, property, labor or thing of value, directly or indirectly, to any member of any political committee, political party, or employe or representative thereof, or to any candidate for any public office or candidate for nomination to any public office or to the representative of such candidate, for campaign expenses or for any political purpose whatsoever, or to any person, partnership or corporation for the purpose of influencing or causing such person, partnership or corporation to influence any elector of the state to vote for or against any candidate for public office or for nomination for public office or to any public officer for the purpose of influencing his official action". This act is not to be interpreted, however, so as to check in any way the freedom of the press in discussing candidates, nominations, public officers, or political questions.

The act of 1907 also makes it illegal for a member of a political committee, political party, or an employee or representative of a political party or committee, or a candidate or his agent to solicit, request, or knowingly receive from a corporation or its representative or officers any money, property, or thing of value for any political purpose. Testifying in a case arising under the law is compulsory, but immunity is granted the person testifying except in the commission of perjury in connection with the giving of his testimony. Conviction of a violation of the act carries with it imprisonment of from six months to one year and, in the discretion of the court, a fine of not more than $1,000.[159]

Iowa legislation restricting campaign contributions is not confined to prohibitions on corporation contributions. A beginning has been made in the direction of restricting party assessments of public officers and employees. As-

sessments are levied on officeholders on the theory that they owe their position to the party rather than to the people, and that they ought to contribute to the support of the patriots who helped put them into their positions but who themselves belong to the unofficial side of the party. The party assessment differs little from a property qualification for officeholding, is an incentive to dishonesty, and tends to keep good men out of the public service. To be sure, the payment of such assessments is not compulsory, but the officeholder or employee knows very well that a refusal to pay is likely to be punished by dismissal or some other mark of disfavor.

To prevent the assessment of officials or employees connected with State institutions controlled by the Board of Control, the act creating the Board provides that any member or officer of the Board of Control, or any officer or employee of any institution subject to the Board, who in any manner contributes money or other thing of value to any person for election purposes may be removed by the proper authorities.[160] A later law provides that any officer or employee of a commission governed city who in any manner contributes money, labor, or other valuable thing to any person for election purposes is considered as having committed a misdemeanor and may be fined not to exceed $300 or imprisoned in the county jail for not more than thirty days.[161] An amendment to this act declares it to be a misdemeanor for a member of the fire or police department in such cities to make any direct or indirect contributions of money or other valuable thing to a candidate for nomination or election or to a campaign or political committee. Violation of the statute is punishable by a fine of from $25 to $100 or imprisonment for not to exceed thirty days.[162]

PUBLICITY OF CAMPAIGN FUNDS

It is not so much the campaign contribution itself that has fallen into disrepute as the secrecy involving such contributions and the belief that large contributions from corporations have been repaid corruptly by the granting of special favors through the government. Publicity of campaign contributions and expenditures has been advocated in recent years as a cure for political corruption. This idea is based on the theory that corrupt bargains will not be entered into where publicity is required, or if entered into such bargains can not be kept in the face of a dissenting public opinion. No party or candidate would dare to show an expenditure for the illegal influence of voters; nor will an individual or corporation that expects a return for the contribution care to contribute if uncertain of the party's power to fulfil the understanding.

It was in view of these considerations that the Iowa legislature in 1907 passed an act requiring the publicity of campaign contributions and expenditures.[163] The act applies to all elections except school elections. Within sixty days after a primary or an election the candidate is required to file a sworn itemized statement of contributions and expenditures accounting for all money or other things of value expended or promised directly or indirectly by him and, to the best of his knowledge, by others in his behalf to aid or secure his nomination or election. If he is a candidate for a municipal or county office the statement must be filed with the county auditor. If he is a candidate for an office voted on in more than one county, the statement should be filed with the Secretary of State. Blanks for this purpose are furnished by the State. The statement must show when the contribution was received,

the amount thereof, and the source. It must also indicate the date, purpose, amount, and to whom payments are made. The statements must also include the assessments of any persons, committees, or organizations in charge of the candidate's campaign.

Statements are also required from the committee chairman of the State, district, or county, filed at the same time and place, giving similar information and stating in addition the amounts or balances remaining on hand. The person filing the statement is required to make a sworn statement as to the accuracy and truth of the statement. These statements are open to public inspection at all times, and they remain on file as a part of the permanent records in the office where filed. In cases arising under this law witnesses may not be excused on the ground that they may incriminate themselves or as a result of their testimony become exposed to public ignominy, but they are immune from prosecution for anything brought out in the trial. Failing to comply with the law is a misdemeanor punishable by a fine of from $50 to $300, or a jail sentence of from thirty days to six months.

III

A COMPARATIVE STUDY OF CORRUPT PRACTICES LEGISLATION

When in recent years the American commonwealths came to realize the need of more stringent corrupt practices legislation, the reformers instinctively turned to the statutes of Great Britain for guidance. In England, as a result of popular agitation against corruption connected with the elections as well as a feeling on the part of the political organizations that the financing of elections was becoming too burdensome, the Parliament passed a comprehensive corrupt practices act as early as 1883. Moreover, this act, supplemented by the legislation of 1895, is so complete and apparently so satisfactory that it still serves as a model for American legislation directed against corrupt practices.

Unlike the American laws — except in Oregon — the English corrupt practices acts differentiate between "corrupt practices" and "illegal practices". Corrupt practices according to the English statutes are bribery, treating, undue influence, personation, and knowingly making false declarations with regard to the returns of election expenses. They are, in fact, such acts as no man of ordinary intelligence could commit without being fully conscious that he is doing wrong. Illegal practices, on the other hand, are the minor offenses, such as providing bands and banners, hiring carriages for the conveyance of voters to the polls, and exceeding the legal maximum

of election expenses. In other words, illegal practices are such acts as a person might commit without realizing that he is doing wrong or breaking a law.[164]

BRIBERY

The English legal definition of bribery, which was given in the Corrupt Practices Act of 1854 and left intact by the legislation of 1883, is made extremely broad on account of the very elusive character of the offense, and perhaps also on account of the tendency of the courts to interpret legislation of this sort rather strictly. According to this definition a person is guilty of bribery who "directly or indirectly gives, lends, procures, agrees to give, agrees to lend, agrees to procure, offers, promises, promises to procure, promises to endeavor to procure any money or valuable consideration, any office, place, or employment to or for any voter, to or for any person on behalf of any voter, to or for any other person to induce any voter to vote or refrain from voting, or to induce such voter to vote or refrain from voting, or to induce such person to procure or endeavor to procure the return of any person, or vote of any person." A person who for himself or for another "receives or agrees or contracts to receive, the gifts, loans, offers, promises, procurements or agreements, either before, during, or after an election; any person who provides money with intent that it, or any part of it, shall be expended in bribery; and any person who pays money in discharge or repayment of money so expended" is also, according to the English statute, guilty of bribery.[165]

Some States have attempted to frame definitions of bribery as comprehensive as those found in English law; and it appears that some of these American definitions

include provisions not found in the English act. Thus, the Delaware law declares the offering on the part of a candidate to serve for nothing or for less than the lawful salary to be bribery.[166] Moreover, the Indiana provision seems to define the employment of paid political workers on primary or election day as a means of bribery.[167] Oklahoma legislation includes as bribery the giving, promising, or loaning of money to be used for election bets, for betting with an elector that he will vote for a certain named candidate or ticket, and the gift or promise of money gained in this way.[168] The Montana bribery provision includes the paying of a person's naturalization fees;[169] while the Washington act provides that offering, promising, or giving of victuals or drink shall be considered bribery.[170] Illinois classifies the soliciting or receiving of liquor for voting as "the infamous crime of bribing".[171]

TREATING

The Minnesota Corrupt Practices Act, passed at the 1912 special session of the legislature, contains a section directed against treating similar to the Oregon provision, which is itself an elaboration of the English definition. According to the Minnesota legislation "no person or candidate shall, either by himself or by any other person, while such person or candidate is seeking a nomination or election, directly or indirectly, give or provide, or pay, wholly or in part, the expenses of giving or providing any meat or drink or other entertainment or provision, clothing, liquors, cigars or tobacco, to or for any person for the purpose of or with the intent or hope to influence that person or any other person to give or refrain from giving his vote at such primary or election to or for any

candidate or political party ticket, or measure before the people or on account of such person or other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote, or refrain from voting, at such election. No elector shall accept or take any such meat, drink, entertainment, provision, clothing, liquor, cigars, or tobacco, and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest."[172]

The Missouri act contains similar provisions directed against treating, but recognizes the theory that to be effective the treating in question must be recent; and so it is made an offense only when done within ten days of a primary or sixty days of an election.[173]

UNDUE INFLUENCE

The English legal definition of undue influence is copied almost literally in some American jurisdictions. But the Oregon provision is an amplification of the English definition, providing that "every person who shall directly or indirectly, by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, or any person who, being a minister, preacher, or priest, or any officer of any church, religious or other corporation or organization, otherwise than by public speech or print, shall urge, persuade or

command any voter to vote or refrain from voting for or against any candidate or political party ticket or measure submitted to the people, for or on account of his religious duty, or the interest of any corporation, church or other organization, or who shall by abduction, duress or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election, or shall thereby compel, induce or prevail upon any elector to give or to refrain from giving his vote at any election, shall be guilty of undue influence, and shall be punished as for a corrupt practice."[174]

INTIMIDATION

Most of the States have enacted legislation similar to that of Iowa directed against intimidation of employees by employers and interference with voters at the polls. Oregon entirely prohibits electioneering on election day. To protect candidates as well as to prevent the "nursing" of their constituency by candidates, the Oregon law further provides that religious, charitable, or other similar organizations may not demand or ask contributions from a candidate, nor may the candidate make such payment if asked. Neither may tickets for entertainments or balls or "advertising" space in any book, program, or other publication be offered a candidate. It is considered a corrupt practice for a candidate to make such payment or contribution with the apparent hope or intent to influence the election results. The candidate's usual business advertising or payments to organizations to which he has been a regular contributor for more than six months prior to his becoming a candidate, or ordinary church contributions are exempted.[175] Minnesota also attempts to secure peaceful elections so that the voter

may be free to cast his ballot undisturbed by outside influences. Thus, the distribution of campaign literature and providing, selling, or wearing political badges, buttons, or similar insignia, are prohibited on election day.[176]

PERSONATION

Personation is the form of illegal voting which is clearly defined by English law. Personation is committed by a person who at an election "applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name."[177] To prevent colonizing for the purpose of personating, New York legislation provides in detail for the control of hotels, lodging houses, and rooming places.[178] The Indiana law prohibits the importing of voters from the outside or from locality to locality within the State.[179] The Kentucky law prohibits the use of the naturalization papers of one person, dead or living, by another person.[180] The New Jersey act directed against colonizing prohibits the providing wholly or in part for the expense of boarding, lodging, or maintaining a person at any place or domicile in any election precinct or ward or district to secure his vote.[181]

BETTING

The Minnesota corrupt practices act contains, perhaps, as broad a definition of betting on election results as can be found in the statutes of any State. According to this provision "any candidate who, before or during any primary or election campaign, makes any bet or wager of anything of pecuniary value, or in any manner

becomes a party to any such bet or wager on the result of the primary or election in his electoral district, in any part thereof, or on any event or contingency relating to any pending primary or election, or who provides money or other valuable thing to be used by any person in betting or wagering upon the results of any impending primary or election, shall be guilty of a violation of this act. Any person, who for the purpose of influencing the result of any primary or election, makes any bet or wager of anything of pecuniary value on the result of such primary or election, in his electoral district or any part thereof, or of any pending primary or election, or on any event or contingency relating thereto, shall be guilty of a violation of this act, and in addition thereto, any such act shall be a ground of challenge against his right to vote."[182] The New Jersey provision states more directly its purpose to protect the voter as well as to provide punishment for betting as a matter of public policy. A part of the section directed against betting reads as follows: "Nor shall it be lawful for any person, directly or indirectly, to make a bet or wager with a voter, depending upon the result of any election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at such election."[183] The Kentucky law strikes at the more subtle purpose of betting by prohibiting the betting of any person with another that such other person will vote for a named candidate.[184]

RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

It is not, however, by elaborate definitions of the gross forms of election offenses that the more advanced States are attempting to eliminate corruption in the choice of

public officials; but rather, as before indicated, by creating conditions for the prevention of corruption, intimidation, or deception of voters. In this direction our State laws also, in many instances, follow the lines of English legislation. Indeed, the Peoples Power League of Oregon advanced as an argument for the Huntly Bill the fact that it was "patterned after the very successful British laws of 1883 and 1895."[185]

Restrictions of campaign contributions and expenditures are forms of this kind of legislation. The reasons for prohibiting campaign funds coming from certain sources have already been discussed (See above Ch. II). A reason for restricting the total amount of money spent in elections is to prevent the raising of large funds to debauch the electorate, for a large campaign fund is almost sure to lead to political corruption. Restriction of the amount which a candidate may contribute or expend is to keep rich and poor candidates on terms of equality, prevent a candidate from purchasing an office through corrupt use of money, and do away with the temptation an officer might have to reimburse himself, directly or indirectly, from the public office for his extravagant expenditure. Placing a money standard on candidates also leads to the election of low grade men.

Restrictions as to the purposes for which money may be expended is based on the theory that the use of money in any way to influence even remotely the vote of the elector through corruption, show, or deceit should be prohibited. A reason for legislation requiring that all funds collected and expended pass through the hands of a treasurer or some other legally recognized official or officials is to make it possible to hold some one responsible and thus render the enforcement of laws of this character more easy of accomplishment.

A number of States have laws similar to that of Iowa which prohibit corporate contributions to campaign funds. The Oregon law prohibits political contributions from all non-elective officeholders; nor may any one receive or solicit funds from such officers. The act further prohibits the contribution or knowingly receiving of funds in the name of any other than the person furnishing the money.[186] According to Arizona legislation the assessments of candidates must be voluntary and the amount agreed upon at a meeting at which none but candidates are present.[187] Ohio requires every corporation or public utility to file with the tax commission every year an affidavit sworn to by an officer having knowledge of the facts set forth as to whether the corporation or public utility during the past year, directly or indirectly, made any political contributions.[188]

Several States require the appointment of a committee and treasurer to have charge of campaign contributions and expenditures. Maryland requires all committees to appoint a treasurer before they may collect or expend campaign funds. Written notice must be given the proper officials of such appointment, and all money collected or expended must pass through the hands of the treasurer. The treasurer is required to give a bond approved of by the committee. The candidate may appoint a "Political Agent" to assist him in his candidacy. The political agent and treasurer may act for more than one candidate.[189] According to the New Jersey law a candidate may appoint a committee of from one to five members to "receive, expend, audit, and disburse" all campaign funds. The candidate may declare himself the person selected for such purpose or may designate the regular party committee to act for him. The committee

may act conjointly for any number of candidates. One of the committee, who is selected by the other members as treasurer, receives and expends the political funds.[190] The Minnesota act permits a candidate for nomination to select a "single personal campaign committee to consist of one or more persons." The candidate may delegate to this committee the expenditure of any part of the total expenditure permitted him or in his behalf.[191] According to Wisconsin legislation "no person or group of persons, other than the candidate or his personal campaign committee or a party committee, shall make any disbursement for political purposes otherwise than through a personal campaign committee or a party committee, except that expenses incurred for rent of hall or other rooms, for hiring speakers, for printing, for postage, for telegraphing or telephoning, for advertising, for distributing printed matter, for clerical assistance and for hotel and traveling expenses may be contributed and paid by a person or group of persons residing within the county where such expenses are incurred; and except that a speaker may pay his actual traveling expenses in going to and from meetings addressed by him."[192]

The size of campaign funds is regulated in several ways. In Minnesota a candidate for Governor may expend, $7,000; candidates for other State offices, $3,500; for State Senator, $600; for member of the House of Representatives, $400; for presidential elector-at-large, $500; and for presidential elector for any congressional district, $100. For other offices the amount is based on the salary or fees, an expenditure of one-third of the first year's salary being permitted. If there is no compensation attached to the office, or if it is one just created and in cases not specifically provided for, the candidate is

restricted to an expenditure of $100. In a general election the State Central Committee may expend in addition a sum not to exceed $10,000.[193] The New Jersey law is similar to the Minnesota act regarding fixed expenditures for candidates, except that it provides that the candidate may spend not to exceed twenty-five per cent of a year's salary in the campaign for nomination and a similar amount in the campaign for election.[194]

West Virginia limits a candidate's expenditure according to the number of votes cast for the office at the last election. If there were 5000 votes or less cast the candidate is limited to an expenditure of $250; for each additional 100 votes over 5000 up to 25,000, $2.00; for each additional 100 votes over 25,000 to 50,000, $1.00; for each additional 100 votes over 50,000, 50 cents.[195]

Wyoming legislation permits candidates to expend twenty per cent of a year's salary for nomination and twenty per cent for election expenses. But no candidate is restricted to an expenditure of less than $100. Moreover, this does not include traveling expenses and payments for space in the *State Campaign Book*.[196]

Oregon fixes a candidate's expenditure for the primary campaign at fifteen per cent of one year's salary in addition to the fee for space in a State publicity pamphlet. In the campaign for election he may expend ten per cent of a year's salary. No candidate, however, is restricted to less than $100. The act further provides that "the contribution, expenditure or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employee or fellow official or fellow employee of a corporation shall be deemed to be that of the candidate himself."[197]

The Nebraska act forbids a political committee to

receive more than $1,000 from any one person during the same campaign. Nor may the treasurer or any other person accept a single political contribution to exceed $25 within two days of the election.[198]

Various methods are provided to regulate the purposes for which money may be expended in elections. Some States prescribe minutely what payments are permitted and prohibit all other payments; others list illegal expenditures; and still others include both legal and illegal expenditures. Again, some States restrict the use of money for certain purposes on election day.

Maine permits a candidate at a caucus, primary or general election, to expend money for postage, telegrams, telephones, stationery, printing, express, and traveling. The treasurer of the political committee or the political agent of the candidate may expend money only for the following expenses:

(a) Of hiring public halls and music for conventions, public meetings, and public primaries, and for advertising the same by posters or otherwise; (b) of printing and circulating political newspapers, pamphlets, and books; (c) of printing and distributing ballots and posters; (d) of renting rooms to be used by political committees; (e) of compensating clerks and other persons employed in committee rooms and at the polls; (f) of traveling expenses of political agents, committees and public speakers; (g) of necessary postage, telegrams, telephones, printing, express, and conveyance charges.[199]

Minnesota legislation limits the candidate's contributions or expenditures to secure nomination or election to the following purposes:

(1) For the candidates' necessary personal traveling expenses; for postage, telegraph, telephone, or other public messenger service.

(2) For rent and necessary furnishing of hall or room during such candidacy, for the delivery of speeches, relative to principles or candidates.

(3) For payment of speakers and musicians at public meetings, and their necessary traveling expenses.

(4) Printing and distribution of list of candidates, sample ballots, pamphlets, newspapers, circulars, cards, hand bills, posters and announcements relative to candidates, or public issue or principles.

(5) For copying and classifying poll lists, for making canvasses of voters and for challengers at the polls.

(6) For filing fees to the proper public officer, and if nominated at any primary for contributions to the party committee.

(7) For campaign advertising in newspapers, periodicals, or magazines.

According to the same statute personal campaign or party committees may expend campaign funds only for the following purposes:

(1) For maintenance of headquarters and for hall rentals incident to the holding of public meetings.

(2) For necessary stationery, postage, telegraph, telephone, messenger and clerical assistance to be employed at a candidate's headquarters or at the headquarters of the committee, incident to the writing, addressing and mailing of letters and campaign literature.

(3) For the necessary expenses, incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of hand bills, posters, lithographs and other campaign literature, and the distribution thereof through the mails or otherwise.

(4) For campaign advertising in newspapers, periodicals, or magazines, as provided in this act. (i. e. as "Paid Advertisements.")

(5) For wages, and actual necessary personal expenses of public speakers, organizers and musicians.

(6) For traveling expenses of members of the committee.
(7) For preparing poll lists and for challengers at the polls.

The act also provides that no person may pay a voter for "loss of time" for voting or registering. Nor may any one pay personal workers at primaries or elections, except poll watchers. No person may "buy, sell, give or provide any political badges, buttons or other political insignia to be worn at or about the polls on the day of any primary or election, and no such political badge, button or other insignia shall be worn at or about the polls on any primary or election day." Conveyance of voters to the polls is also prohibited. Nor may money be paid to induce a person to become a candidate, withdraw as a candidate, or refrain from becoming a candidate.[200] The Massachusetts act permits a political committee to hire "not more than one conveyance to be used at each polling place at elections only."[201]

New Jersey prohibits the expenditures for the conveyance of voters to the polls and for the hiring of any "watchers, agents or challengers for any work on election day." Each party or organization may, however, employ two challengers or agents in each polling place who must wear badges furnished by the State showing what candidate or party employs them. The act contains elaborate provisions for conveyance to the polls, at State expense, of voters living at a distance of at least two miles or who are "aged or infirm" and have no means of conveyance of their own nor live near a trolley line.[202]

PUBLICITY OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

The purpose of requiring publicity of campaign contributions and expenditures has already been stated (See above Ch. II, p. 72). There is some difference of opinion

as to when the publicity statements of candidates, or others handling political funds, ought to be filed or made public. Publicity before election would tend to prevent the collection or expenditure of large campaign funds on account of the fear of the effect on voters. Publicity after the election may have the same effect on the size of the campaign fund, as large contributors for selfish purposes would not care to contribute, fearing that an aroused public opinion would make uncertain the carrying out of ante-election promises or understandings. A possible weakness is the dependence of such contributors on the short memory of the public. Publicity both before and after the primary or election would seem to be the solution. One difficulty in making laws of this character effective is that of securing complete detailed statements as to who the contributors are and for what purpose the money was expended.[203]

In accordance with Minnesota legislation statements of campaign contributions and expenditures must be filed with the proper officer by candidates, secretaries of every personal campaign committee, and secretaries of every party committee on the second Saturday after a candidate or committee has made its first disbursement or incurred any obligation, and every second Saturday of each calendar month thereafter until all disbursements have been accounted for; and all such persons are also required on the Saturday preceding any election or primary, to "file a financial statement verified upon the oath of such candidate or upon the oath of the secretary of such committee" covering all transactions not included in former statements. Each statement following the first is to contain a summary of all preceding statements and also a summary of all items given before. Statements

must also be filed by other political committees, within thirty days after any primary or election. The statements are to include in detail all contributions received or promised, source, date, and the total amount; also all disbursements or obligations, to whom, specific purpose for which paid, date, and the total amount. Failure to file statements keeps the candidate's name off the ticket. If statements are not filed at the proper time, the officer with whom they are supposed to be filed must notify the candidate or committee of the failure. He is also required to notify the county attorney of the county where the candidate resides or where the headquarters of the negligent committee are located. The county attorney is also required to notify the delinquent candidate or secretary, and if no statement is filed within ten days the county attorney is required to prosecute.[204]

Oregon provides for the filing with the proper officer of sworn itemized statements of campaign contributions, expenditures, and liabilities within fifteen days after nomination or election. Treasurers of political committees, political agents, as well as persons who receive or expend more than $50, are likewise required to keep similar accounts and file statements within ten days after the election. "Every payment, except payments less in the aggregate than five dollars to any person, shall be vouched for by a receipted bill stating the particulars of expense", which must also be filed with the statements. "The books of account of every treasurer of any political party, committee or organization, during an election campaign, shall be open at all reasonable office hours to the inspection of the treasurer and chairman of any opposing political party or organization for the same electoral district; and his right of inspection may be enforced by writ of mandamus by any court of competent jurisdiction."

The Oregon act contains elaborate provisions for the inspection of the filed statements within ten days after filing by the officers with whom they are filed. If not filed, or if the filed statement does not meet the requirements of the law, or upon the written complaint of candidate or voter on the same grounds, the officer is required to notify the delinquent person. The complaint entered by the candidate or voter must state in detail the reasons for complaint, be sworn to, and filed with the officer within sixty days after the filing of the statement or amended statement. Failure to comply, on being notified, means prosecution by the district attorney, if the evidence seems to him sufficient to warrant it. The circuit court of the county in which the statements are to be filed may upon the application of the Attorney General, district attorney, or the petition of a candidate or voter, compel the filing of the proper statement. All statements filed are to be left for six months as part of the public records subject to public inspection, and certified copies may be secured as of other public records. The totals of each statement and the name of the person or candidate filing the statement are published in the following annual report of the officer with whom the statements are filed.[205]

According to the English law the returning officer at an election is required to publish a summary of the returns of election expenses in not less than two newspapers circulating in the county or borough where the election was held, within ten days after receiving the statement from the candidate's election agent. The returning agent is also required to specify the time and place where the complete statements may be inspected.[206]

The New York act provides that vouchers need not be filed for expenditures of less than $5, except when pay-

ments are to political workers, watchers, or messengers.[207] The New Jersey law provides that a candidate seeking to avoid the responsibility of any payment made by any person in his behalf, of which he has knowledge, must set forth such payment and disclaim responsibility for the same. The act further provides that all claims against the committee must be presented within four days after a primary election and ten days after the general election and paid within fifteen days after the completion of the official canvass. Payments of claims may be made after the time limit only after the court of the county wherein the statement is filed is satisfied that there was no intentional misconduct, or that there was good reason for the delay.[208] The Minnesota act prohibits any payment of claims unless presented within ten days after the primary or election.[209]

STATE AID IN CAMPAIGNS

State financing of political campaigns has been advocated in recent years. It has been urged against this plan that it is a good thing for a party to be obliged to appeal to the public for financial support. State aid, it is held, will tend to fossilize parties. State aid thus far has been restricted to the publishing of publicity pamphlets, in connection with which the candidates or parties are charged a nominal sum for space taken.[210]

The Oregon act provides for the publication of a pamphlet by the Secretary of State for the information of voters regarding candidates and parties. In this pamphlet a candidate or his friends — unless the candidate notifies the Secretary of State to the contrary — may secure space for urging his nomination. Not later than thirty-three days before the primary the informa-

tion desired to be conveyed to the voters and signed by the candidate is filed with the Secretary. Persons opposing the candidate may also file signed statements giving reasons why such person ought not to be nominated. Such opposing statement must, however, first have been served upon the candidate. The candidate is given one page and his opponent one page at the same rate. A person submitting a statement is subject to the general laws regarding slander and libel. Candidates must pay for at least one page at a rate varying from $100 for a candidate for United States Senator to $10 for State Senator or State Representative. A candidate may secure up to three additional pages for which he must pay at the rate of $100 per page. The candidates' names appear in the pamphlet in the same order as on the official ballot. The county clerks are required to furnish the Secretary of State with the names and addresses of the registered voters; and at least eight days before the primary the Secretary of State must mail the pamphlets to the voters. The authority for all information must be given.

A committee or organization may secure, at a rate of $100 per page, four pages in which to advocate candidates for the nomination for President or Vice President. Any elector favoring or opposing such candidates may at a similar rate secure up to four pages to favor or oppose such candidates. Not later than thirty days before the general election the State executive committee and managing officers of any political party or organization, having nominated candidates or independent candidates, may file arguments for the success of the party and its candidates or opposing a party or its candidates. Authority must be given for all information filed. The

party is limited to twenty-four pages at a rate of $50 per page and the independent candidate to two pages at the same rate. Regular candidates may secure up to four pages at a rate of $100 per page, but for candidates for the presidency or vice presidency there are no charges. These pamphlets must be circulated at least ten days before the election.[211]

According to the Wisconsin laws statements relative to amendments to the Constitution and measures filed by the State central committee or by some one authorized by it to be submitted to popular vote may also be included in the publicity pamphlet without charges. The candidate may permit his party to use space allotted to him. The charges for space in the pamphlet distributed before the primary or election varies with the office from $300 for the first page with $150 for a second page for a candidate for the United States Senate to $20 for a single page allowed a candidate for a member of the State assembly. The party is charged at the rate of $300 a page.[212]

RESTRICTIONS ON PUBLICATIONS

The importance of periodicals and campaign literature as a means of informing voters of political matters is unquestioned, and the need of preventing newspapers or other publications from deceiving the voters as to ownership of the paper or character of the published article is apparent. To prevent fraud of this character legislation has been enacted in some States (1) to prohibit the purchase of editorial support, publication of political advertisements as news, or the publication and distribution of anonymous or libelous campaign literature, and (2) to secure publicity of ownership.

According to Minnesota legislation no publisher of a

newspaper, periodical, or magazine may insert in any part of such publication any paid matter intended to influence, or such as will tend to influence, voters unless marked in pica capital letters as "Paid Advertisement" with the amount paid, name and address of the candidate in whose behalf the matter is inserted and of any other person authorizing the publication and the author thereof. Nor may the publisher of any such publication insert in any part of the paper any matter of a political nature, or any political editorial relative to a candidate, unless the publisher files with the Secretary of State within six months before a primary or election, or ten days before a special election, a sworn statement giving the name or names of the owners.

Candidates or members of personal campaign or party committees having an interest in a newspaper or periodical circulating in whole or in part within the State must, before printing any political matter to influence voters except as paid advertisements, file with the county auditor of the county in which they live a verified declaration stating the name of the publication with the exact nature and extent of control.

No owner, publisher, editor, reporter, agent, or employee of a publication may "directly or indirectly, solicit, receive or accept any payment, promise, or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such owner, publisher, editor, reporter, agent or employe, directly or indirectly, for influencing or attempting to influence through any printing matter in such newspaper any voting at any election or primary through any means whatsoever, except through the matter inserted in such newspaper or periodical as 'Paid Advertisement', and so designated."

The Minnesota act further provides that all other campaign literature must bear the name and address of the author, the candidate in whose behalf it is published and circulated, as well as of other persons or committees causing it to be published. It also provides that no one may knowingly make, publish, or cause to be published, any false statements relative to a candidate or measure to be voted on which will tend to influence or is intended to influence a voter.[213]

The Texas act directed against corrupt practices prohibits publications from receiving political advertising at more than the usual rates. The act also prohibits an editor or manager of a publication from demanding or receiving pay for editorial support or opposition of a candidate or measure.[214]

According to Oregon legislation political literature must bear the name of the author, printer, and publisher. Libelous publications are prohibited, but it is sufficient defense for the person accused to prove that he had reasonable ground for believing the charges were true and that he was not actuated by malice. The author of any such statement of charges must, moreover, at least fifteen days before circulating such statement serve the person accused with a written copy calling his attention specially to the charges. It must also be shown that before circulating the publication the author received and read the denial or explanation of the accused person, if any were offered.[215]

The Ohio law prohibits any newspaper or other publication from demanding through notice printed in its columns, or by personal call of some officer or agent of the publication, promises, pledges, or committals from candidates.[216]

ENFORCEMENT OF THE LAW: PROCEDURE

The failure to prevent corrupt practices has not been so much the lack of statutory definitions and provisions for penalties as the non-enforcement of the laws enacted. No special provision for judicial procedure was provided in the earlier laws; nor was it made the duty of any one in particular to enforce the legislative provisions. The county attorney, as a county official aptly said, has enough troubles without looking for additional burdens. The electors, feeling no direct interest or knowing the process a difficult one, seldom have taken action.

To make the law effective the Wisconsin act provides that any elector, having knowledge of the violation of the corrupt practices statute of 1911 by any candidates for whom that elector had a right to vote or by the personal campaign committee of the candidate or by any member of the committee, may, by a verified petition, apply to the county judge of the county in which the violation took place, to the attorney general, or to the governor for permission to bring a special proceeding to investigate and decide whether the charge is true or not, and for the appointment of special counsel to conduct the proceeding for the State. If it appears from the petition "or otherwise" that there has been such violation and that it is possible to secure sufficient evidence to bring successful suit the official appealed to must permit the bringing of the proceedings and must appoint special counsel to conduct the proceedings. If permission is granted and special counsel appointed, the elector bringing the suit may "by a special proceeding brought in the circuit court in the name of the state upon the relation of such elector,

investigate and determine whether or not such candidate, committee or member thereof, has violated any provision of this act." In the proceeding the complaint giving the name of the offender and detailed grounds for the contest must be served with the summons and filed within five days after being served. The answer to the complaint must be served and filed within ten days after the service of the summons and complaint. An additional five days notice of the trial is required.

Moreover, an election contest of this character has precedence over any civil case of a different character pending in the court. The court is always to be considered open for trial of these cases, whether in or out of term. The method of trial is the same as in other civil actions, but the court may without a jury decide the facts of the case as well as the issues of law. If more than one case of this nature is before the court at the same time they may be consolidated and heard together, the expenses in connection with the cases being apportioned equally. If the decision is for the plaintiff, he may compel the defendant to make good his expenditures. The plaintiff may not be compelled to pay any judgment for costs, unless it is shown that the proceeding was not instituted by him in good faith. Moreover, "all costs and disbursements in such cases shall be in the discretion of the court." Appeal may be taken, but the party appealing may not obtain a stay of the proceedings. Nor may an injunction to suspend or stay any proceeding be issued except by applying to the court, or the presiding judge of the court, upon notifying all parties concerned and after hearing. A candidate or other person involved may also be criminally prosecuted. The special counsel may be paid not to exceed $25 while trying the case and

not to exceed $10 per day for the time spent in preparing the case. A judgment under this provision does not bar later criminal action.[217]

The New Jersey act makes it the duty of the prosecutor of the pleas of the county, on being notified by any officer or other person of any violation of the corrupt practices act, to "diligently inquire into the facts of such violation." If there is reasonable ground for prosecution it is made his duty to present the charges, with all the evidence he can procure, to the grand jury of the county. If the prosecutor fails or refuses to do his duty as required, he is held guilty of a misdemeanor and on conviction forfeits his office. Any citizen may employ an attorney to assist the prosecutor to perform his duties. The prosecutor and court must recognize the attorney as associate counsel in the proceedings. No prosecution, action, or proceeding may be dismissed without notice to or against the objection of the associate counsel until the reasons of the prosecutor for the dismissal with the objections of the associate counsel have been filed in writing, argued by the counsel, and fully considered by the court. The court, however, is empowered to fix the time within which reasons or objections may be filed. The act further provides that a contest must be commenced within ten days after the primary or thirty days after a general election, unless the ground of action is discovered from the publicity statements filed, when action may be brought not later than ten days or thirty days after such discovery, respectively. An action to annul the nomination or election of any nominated or elected person must be filed in the circuit court of the county in which the person resides whose right is contested.[218]

The New Jersey definition of agency is based on the

English definition. Moreover, a reason advanced for the success of the English act is its broad definition of agency, preventing a candidate from profiting by the acts of a second party while disclaiming responsibility. According to the New Jersey provision "any candidate who procures, aids, assists, counsels, or advises the payment of any money or other valuable thing by or on behalf of a committee selected under the provisions of section one of this act [the section relative to the expenditure of campaign funds by a committee designated by candidate] and such payment is made for any purpose which, if the money was expended by the candidate, would work a forfeiture of the office to which he has been elected, such payment shall be deemed to have been made by such candidate, and he shall forfeit any office to which he may have been elected at the election in reference to which such payment was made by or on behalf of such committee." The act is modified, however, by the provision that in a case coming before a court under the act where it appears from the evidence that the offense complained of was not committed by the candidate, or with his knowledge, or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by the candidate or for him, or that the offenses complained of were trivial, unimportant or limited in character, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of a similar nature and not from lack of good faith, and it seems to the court under the circumstances to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or

election may not be declared void nor the candidate removed from nor deprived of his nomination, position, or office. The act further provides that if any candidate wishes to avoid the responsibility of a payment made for him by others of which he has knowledge, he must "set forth such payment and disclaim responsibility therefor."[219]

PENALTIES FOR VIOLATION OF ELECTION LAWS

Penalties imposed for the violation of election laws vary with the nature of the offense and with the States where the act is committed. Fines, imprisonment in jail or penitentiary, loss of charter by corporations or right to do business in the State, disfranchisement, voiding of the election, and disqualification for holding office are the various penalties prescribed in cases of violation.

Offenders against the English election laws are heard before two judges who are annually selected by the other judges. The judges report their findings to the House of Commons — but their findings are never challenged by the House. According to English legislation every person guilty of a corrupt practice — that is, bribery, treating, undue influence, knowingly making a false statement in the return of election expenses, or personation — may be fined, imprisoned, and deprived of his political rights for a period of seven years. In addition, if a candidate is guilty of such corrupt practice, or if bribery or personation has been committed with his knowledge and consent, the election of the candidate is voided and he may never be elected to Parliament by that constituency. Furthermore, if the election court finds that a corrupt practice has been committed by his agents, the candidate's election is voided and he may not be elected from

that constituency for a period of seven years. Relief, however, may be given in the case of treating or undue influence committed by an agent, other than the candidate's election agent, if of a trivial nature, and if the candidate and his election agent did not connive at it but took all reasonable means to prevent the commission of such act. For illegal practices the penalties are similar, but not so severe; and relief may be secured more readily — discretion being left, to a great extent, with the court.[220]

The Florida primary act provides, as a penalty for bribery, disfranchisement of the briber for a term not to exceed ten years and not less than a year's imprisonment. For a second offense the penalty is disfranchisement for life as to primary elections; and the offender may also be sentenced to serve not more than five years in the penitentiary.[221]

Indiana legislation provides that a person guilty of bribery may be fined, deprived of his political rights for any determinate period, and, if elected to office, his election is voided.[222] In accordance with the Minnesota law a corporation guilty of making political contributions may be fined not to exceed $10,000, and if a domestic concern it may be deprived of its charter. If the offender is a foreign corporation, it may, in addition to the fine, be deprived of its right to do business in the State. The agent of the corporation making the payment may be fined from $100 to $5,000, or sentenced to serve from one to five years in the penitentiary, or both. Violation of the act by an officer of the corporation is considered prima facie evidence of violation by the corporation.[223] Violation of the New Jersey corrupt practices act is made a misdemeanor and punished as such. In case of an

elected candidate being found guilty his election is also voided. This includes the failure on the part of a candidate to file a statement of his election receipts and expenditures.[224] The Wisconsin act provides that any person violating its provisions may upon conviction be punished by a jail sentence of from one month to one year, by a penitentiary sentence of from one to three years, or by a fine of from $25 to $1,000, or by both a fine and imprisonment. The conviction of a candidate elected to office voids his election.[225]

IV

SUGGESTIONS FOR REFORM IN THE CORRUPT PRACTICES LEGISLATION OF IOWA

A comparison of the legislation in Iowa on corrupt practices with the provisions of the more advanced State laws directed against such offenses reveals the fact that the Iowa provisions are incomplete and fragmentary.

RE-DEFINITION OF CORRUPT PRACTICES

It is apparent that a re-definition of the grosser forms of election offenses would be desirable in this State. The English definitions, which are quite comprehensive and which have served as models for other States, could safely be followed in Iowa. Treating ought to be prohibited entirely in connection with political campaigns. The prevention of undue influence through any sort of electioneering, distribution of political literature, distribution or wearing of political insignia on primary or election day would also seem advisable. In fact it would seem desirable to prohibit all forms of political activity on the part of candidates or their agents after the Saturday night prior to the Monday or Tuesday on which the election is held. Furthermore, there seems to be no good reason why a candidate or party should be permitted to turn a political campaign into a continuous vaudeville performance and through numerous bands, elaborate posters, display of banners, buttons, and other political marks of distinction seek to influence voters to cast their ballots for the

candidates or party making the most noise or the biggest show.

RESPONSIBILITY IN HANDLING CAMPAIGN FUNDS

Again, Iowa legislation does not now require that political funds pass through the hands of any certain responsible person or committee. It is true that the law requires the candidate to include in his filed statement the sums he knows to have been expended by others in his behalf; but this too often means simply that the candidate takes care to be ignorant of any such payments by others, or that those making expenditures for him are very careful to keep him in ignorance of such expenditures on their part. Nor is there any restriction in the Iowa law as to the amount that may be received from individuals during the whole campaign or prior to the campaign.

PARTY ASSESSMENTS

Regarding party assessments the only requirement is that they be included in the candidate's statement. With our present theory of party support this is a difficult point on which to legislate. It is true that in some States the law provides that party assessments shall be voluntary; but such provisions mean very little in practice. Aside from being wrong in principle, the chief objection to the party assessments in Iowa is that locally the contribution too often goes to the support and maintenance of a "county courthouse gang". That all non-elective officers and employees ought to be protected from assessments by prohibitive laws is a proposition that will hardly be questioned.

LIMITATIONS ON EXPENDITURES: CONVEYANCE OF VOTERS

There is no provision in the Iowa statutes regarding the total amount which the party or candidate may expend. Nor is there any attempt to restrict to legitimate educative purposes the money used by candidates or parties. One of the chief expenditures in an Iowa campaign is for transportation of voters to the polls. Even in our school elections — which in many places have degenerated into squabbles among banks for the control of school funds — voters are besieged by political workers urging them to make use of their conveyances. It would seem advisable to eliminate this method of influencing voters by prohibiting the transportation of voters to or from the polls or any part of the way. A citizen who does not take enough interest in his right of franchise to walk to the polls or furnish or pay for his own conveyance would hardly seem to be a desirable factor in the election. If a voter is infirm, or lives at a distance and is too poor to secure transportation, it might be well to provide some method of State aid similar to that found in New Jersey.[226]

STATEMENTS OF CONTRIBUTIONS AND EXPENDITURES

While the Iowa law requires that candidates and political committees file statements of political contributions and expenditures, yet an examination into the manner in which the law is observed, and the inadequacy of the law even if observed, indicates the need of amending these provisions. In the first place statements ought to be filed before as well as after primaries and elections. Again, the law merely requires the filing of the statements with the proper officials without making it anybody's business to see that such information is

really filed or that the statements when filed meet the requirements of the law. When received the statements are now filed away, there being no provision for publicity through newspapers or otherwise. It is doubtful if the majority of the statements filed are ever opened and examined. The filed reports are, as a matter of fact, often incomplete as to the information required. The date of the contribution or expenditure is often omitted; so also are the names of the donor or recipient in case of an expenditure. The contributions and expenditures are not always given in detail. In fact, the space for contributions is often left blank, as is sometimes also the space for expenditures — the inference being that there were no contributions or expenditures.[227] There is no provision for vouchers for expenditures or other method of auditing. The payment of claims ought to be permitted only within a certain time.

CONTROL OF VOLUNTEER ORGANIZATIONS

Another important problem in corrupt practices legislation is the control of the political activities of volunteer organizations. It would seem that the public is at least entitled to know how much various organizations, which are non-partisan and throw their influence to the party or candidates, who through principle or intimidation are favorable to the purposes of such organizations, spend in the primaries and elections and for what purpose such expenditures are made.[228]

An influence of a similar character, but less tangible and therefore more dangerous and more difficult to reach through legislation, is the activity of the local boss and his co-workers who are in the political game for love of the excitement or personal interest or, as is more often

the case, as representatives of some interest or allied interests — the so-called "invisible government" desiring to control politics. As to all such who seek to secure the nomination and election of men not necessarily corrupt but rather in fact men who through birth, environment, or economic interest are "acceptable" to special interests, no corrupt practices act seems thus far to have been well enough drawn or enforced to prevent their activities.[229] Indeed, along this line public opinion rather than formal legislation must be relied upon. Until men see that money paid for "political work" is as a rule bribery in a disguised form, the eradication of such conditions and the prevention of the influence of such men in our politics through legislation seems quite impossible.

STATE AID TO POLITICAL CAMPAIGNS: OFFICIAL INFORMATION

Iowa has no provision for State aid to political campaigns. The most essential thing for a candidate desirous of serving the public as an officeholder is that he may have some means of placing before the voters a statement of the principles he favors and of his qualifications for the office. Moreover, it is still more important that the voters be furnished with at least a minimum of reliable information concerning the multitude of candidates whose names appear on our long ballots. It is possible that the most convenient and economical method would be to have the State take charge of such publicity through a system of publishing and distributing campaign books like that in force in Wisconsin or Oregon. Considering the purpose and character of such service there appears to be no good reason why the government should not perform it without charge. As to a system of

direct financial aid to parties this would seem even more difficult. An objection to the Colorado plan — which afforded financial support according to party vote, with prohibition of outside contributions except by candidates — is that such a system would tend to maintain the dominant party in power and discourage the growth of minor parties or the development of new parties.

A further aid to political parties that would seem altogether proper is some provision for the opening of public buildings, such as school houses and auditoriums of State-supported colleges and universities, for political meetings freely and without charge.

RESTRICTIONS ON PUBLICATIONS

Iowa has no legislation regulating the political activity of newspapers and other publications, or the publication and distribution of political dodgers of various sorts. That this is an essential feature of a comprehensive and adequate corrupt practices act can not be questioned. Indeed, it is a well known fact that some of the more influential dailies as well as some of the rural weeklies have been suspected of operating under corrupt influences in matters political. It must also be admitted that paid political matter appears in the columns of some papers as news or as editorials with no indication that such is their real character. The campaign "roorback" is of as recent appearance as the 1912 spring primaries. Nor is the real ownership of our papers generally known. For regulation along these lines it would seem that the Minnesota act would be a good model, especially for provisions regarding the labeling of paid political matter and the giving of official notice of ownership of papers publishing political matter. Other provisions of the Min-

nesota act which might well be written into the Iowa statutes are those which relate to the (1) soliciting or receiving of pay for the political influence of a publication except as paid advertising, (2) providing that all campaign literature bear the name and address of the author, of the candidate in whose behalf it is published, and of any other person or committee responsible for the publishing of the literature, and (3) prohibiting anyone from publishing false statements intended to influence voters regarding candidates or measures to be voted upon.[230] The Oregon provision directed against libelous campaign literature is, perhaps, stronger than that of Minnesota.[231]

METHODS OF PROCEDURE

As already indicated the weakness in corrupt practices prevention has been in the method of procedure. Iowa legislation provides no special procedure for handling corrupt practices offenses. The problem is to devise some method which will force the public prosecutor to act or some method for independent action on the part of the people who desire to enforce the law and at the same time prevent election contests on flimsy or false grounds. It would seem that the Wisconsin provision is the best plan thus far provided by any State.[232]

PENALTIES

Another problem for Iowa legislation is the nature of the penalties for the violation of corrupt practices provisions. It is doubtful whether the system of fines and imprisonment alone is effective. Moreover, where such penalties are imposed by the Iowa laws their application seems to be a matter of guesswork. Thus, for undue

influence exercised by employers the penalty is a fine of from $5 to $100. As suggested above, this penalty has not noticeably deterred large employers from attempts to influence their employees. It would seem that in matters of this sort some attempt should be made to fit the penalty to the nature of the offense. Corporations, either foreign or domestic, when guilty of violating the election laws ought not to be allowed to carry on business within the State. Moreover, in addition to penalties in the form of fines and imprisonment, violation of corrupt practices provisions by a candidate or his agents ought to void the election. In addition it would seem that any person guilty of such violation should be deprived of his political rights, at least for a limited period. The provisions for punishing violators of corrupt practices acts contained in the English law and in the recent State laws of Oregon, Minnesota, or Wisconsin seem altogether unobjectionable.

SUMMARY

Thus it appears from an historical analysis of corrupt practices legislation in Iowa and from a comparative study of legislation and administrative methods in other jurisdictions that this State is in need of a comprehensive corrupt practices act which will define more fully both corrupt practices and illegal practices, provide more adequate provisions for penalties and procedure, establish a system of State aid in campaigns, and above all aim at preventative methods and measures.

NOTES AND REFERENCES

NOTES AND REFERENCES

[1] Quoted from a pamphlet containing *Recommendations by the President, five Governors, and an Attorney General on Corrupt Practices in Elections* sent out by Robert Luce, p. 4.

[2] *Chicago Record-Herald,* 25th Year, No. 113, September 18, 1905.

The gradual demoralization of the whole electorate by means of bribery is strikingly described by Mr. George Kennan in these words:

"When Mr. Addicks' agents first began to buy votes in southern Delaware, they could 'get' only a part of the negroes, and a few men from the poorest class of whites; but the corrupting influence of money, used boldly and with impunity throughout a long series of years, finally had its effect upon men of a higher type — men who could not plead poverty as an excuse for their acts. Well-to-do farmers in Sussex County, who own their farms and have money in the bank, now sell their votes regularly every other year; and as for the colored population, which polls in the two lower counties a vote of about five thousand, it has been corrupted *en masse.* Many informants in Kent and Sussex told me that in the circle of their personal acquaintance they did not know a single negro who 'voted his sentiments'. Every man of them sold his vote for what it would bring."— *The Outlook,* Vol. LXXIII, No. 8, p. 432.

[3] Christie's *The Ballot and Corruption and Expenditure at Elections,* p. 91.

[4] *Laws of the Territory of Michigan,* Vol. I, pp. 527–529. This act was copied from the laws of New York, Ohio, and Vermont.

[5] *Laws of the Territory of Michigan,* Vol. II, p. 280.

[6] *Laws of the Territory of Michigan,* Vol. II, p. 563.

[7] *Laws of the Territory of Michigan,* Vol. II, p. 645.

[8] Shambaugh's *Documentary Material Relating to the History of Iowa,* Vol. I, p. 76.

[9] Shambaugh's *Documentary Material Relating to the History of Iowa,* Vol. II, p. 284.

[10] Shambaugh's *Documentary Material Relating to the History of Iowa,* Vol. I, p. 78.

[11] *Laws of the Territory of Wisconsin*, 1836–1838, pp. 408, 409.

[12] Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 107, 112, 113.

[13] *Laws of the Territory of Iowa*, 1838–1839, pp. 185–196. Sections 11 and 12 of this act relate to corrupt practices.

[14] *Revised Statutes of the Territory of Iowa*, 1842–1843, pp. 248, 249.

[15] *Laws of the Territory of Iowa* (Extra Session), 1840, pp. 20, 21.

[16] Quoted from the *Iowa Capital Reporter* in the *Bloomington Herald* (New Series), Vol. I, No. 27, November 20, 1846.

[17] *The Bloomington Herald* (New Series), Vol. I, No. 27, November 20, 1846.

[18] Quoted from the *Iowa Capital Reporter* in the *Bloomington Herald* (New Series), Vol. I, No. 28, November 27, 1846.

[19] *The Bloomington Herald* (New Series), Vol. I, No. 28, November 27, 1846.

[20] *The Iowa Standard* (New Series), Vol. II, No. 5, August 11, 1847.

[21] *Congressional Globe*, 1st Session, 31st Congress, Part II, pp. 1292–1296.

This case is of special interest in that it brought to light a letter showing that pressure in the nature of religious influence was used to induce the Mormon voters to cast their ballots for the Whig candidate. A part of the letter is quoted in a speech by Mr. Leffler.

"Burlington, (Iowa,) July 8, 1850 [1848].

Dear Friends and Brethren:

It has seemed good unto me, your brother and companion in tribulation and counsellor in the church of God, to advise and request you to cast your votes at the ensuing election in favor of the Whig candidates for office. This letter is placed in the hands of Colonel F. H. Warren, who will give you, or cause the same to be done, all necessary information how and where to act. . . .

Your brother in Christ,

Orson Hyde."

— *Congressional Globe*, 1st Session, 31st Congress, Appendix, pp. 818–823.

This incident is discussed in Pelzer's *The History and Principles of the Democratic Party of Iowa* in *The Iowa Journal of History and Politics*, Vol. VI, pp. 181–184.

[22] Fairall's *Manual of Iowa Politics*, Vol. I, p. 24.

[23] Ethyl E. Martin's *A Bribery Episode in the First Election of United States Senators in Iowa* in *The Iowa Journal of History and Politics*, Vol. VII, pp. 483–502.

In this connection mention may be made of the fact that the first recorded instance of legislative bribery and bribery of a voter in Iowa occurred while Iowa was a part of the original Territory of Wisconsin. This was the case of Alexander W. McGregor, a member of the House of Representatives from the county of Dubuque. McGregor seems to have promised John Wilson that he would secure for him a franchise for a ferry privilege in return for a sum of money and Wilson's influence to secure his election. — See Parish's *The Bribery of Alexander W. McGregor* in *The Iowa Journal of History and Politics*, Vol. III, pp. 384–398.

[24] Clark's *History of Senatorial Elections in Iowa*, Chapter I.

[25] *Laws of Iowa*, 1849, pp. 132–135.

[26] *Code of 1851*, pp. 371–373.

[27] *Revision of 1860*, pp. 742–744.

[28] *Code of 1873*, pp. 622–624.

[29] *Journal of the House of Representatives*, 1858, pp. 223, 303, 383, 631, 642, 657, 750, 761.

[30] *Journal of the Senate*, 1858, pp. 580, 581, 600.

[31] *Journal of the House of Representatives*, 1868, pp. 106, 112, 204.

[32] *Journal of the Senate*, 1872, p. 365.

[33] *Journal of the Senate*, 1876, p. 120.

[34] *Journal of the House of Representatives*, 1878, pp. 52, 230, 239.

[35] *Journal of the Senate*, 1878, pp. 183, 187, 287.

[36] *Journal of the House of Representatives*, 1878, pp. 68, 537.

[37] *Laws of Iowa*, 1880, p. 79.

[38] *Journal of the Senate*, 1880, pp. 60, 372.

[39] *Journal of the Senate*, 1880, pp. 60, 270.

[40] *Journal of the House of Representatives*, 1880, pp. 400, 429.

[41] *Journal of the Senate*, 1884, pp. 399, 566.

[42] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, p. 8.

[43] *Laws of Iowa*, 1886, p. 192.

[44] *Journal of the House of Representatives*, 1886, pp. 238, 343, 719.

[45] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, p. 88.

[46] *Journal of the House of Representatives*, 1888, pp. 144, 487, 515, 516.

[47] *Journal of the Senate*, 1888, pp. 516, 518, 964.

[48] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, pp. 275, 276.

[49] *Journal of the Senate*, 1890, pp. 86, 91, 92; also *Journal of the House of Representatives*, 1890, pp. 121, 124, 130.

[50] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, pp. 336, 337.

[51] *Journal of the House of Representatives*, 1892, pp. 78, 79, 84, 106, 107, 108, 120, 145, 172, 182, 218, 223, 249, 269, 270, 271, 279, 297, 298, 309, 333, 419; also *Journal of the Senate*, 1892, pp. 81, 132, 140, 182, 183, 192, 196, 216, 217, 242, 287, 315.

[52] *Laws of Iowa*, 1892, pp. 47–62.

[53] Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, p. 276.

[54] The report of the Des Moines division of the Amalgamated Association of Street and Electric Railway Employees, printed in the *Register and Leader*, Vol. LXIII, July 31, 1912, in showing the improved conditions of the street car workers states that "under the old order of things . . . . we were expected to carry out the wishes of the Company on matters political."

[55] *Laws of Iowa*, 1892, p. 58.

[56] *Journal of the House of Representatives*, 1892, pp. 149, 253, 621.

[57] *Journal of the Senate*, 1892, p. 575.

[58] *Journal of the House of Representatives*, 1894, pp. 84, 163, 275.

[59] *Journal of the Senate*, 1894, pp. 176, 293, 669.

[60] *Laws of Iowa*, 1894, p. 62.

[61] *Code of 1897*, pp. 1935–1937.

[62] *Code of 1851*, pp. 371–373.

[63] *Laws of Iowa*, 1894, p. 62.

[64] *Code of 1897*, pp. 419–421.

[65] *Laws of Iowa*, 1892, pp. 58–60.

[66] *Code of 1897*, p. 861.

[67] *Code of 1897*, p. 1948.

[68] *Journal of the Senate*, 1898, p. 579.

[69] *Laws of Iowa*, 1898, p. 70.

[70] *House File*, No. 251, Twenty-ninth General Assembly (1902).

[71] *Journal of the House of Representatives*, 1902, p. 1248.

[72] *Iowa Documents*, 1904, Vol. I, No. 1, pp. 15, 16.

[73] *Laws of Iowa*, 1904, p. 36.

[74] *House File*, No. 30, Thirtieth General Assembly (1904); *Journal of the House*, 1904, pp. 104, 313.

[75] *House File*, No. 84, Thirtieth General Assembly (1904); *Journal of the House*, 1904, pp. 121, 287.

[76] *House File*, No. 253, Thirtieth General Assembly (1904); *Journal of the House*, 1904, pp. 278, 1085.

[77] *House File*, No. 97, Thirtieth General Assembly (1904); *Journal of the House*, 1904, pp. 129, 322.

[78] *House File*, No. 85, Thirty-first General Assembly (1906); *Journal of the House*, 1906, pp. 162, 1088, 1166, 1167.

[79] *House File*, No. 162, Thirty-first General Assembly (1906).

[80] *Journal of the House of Representatives*, 1906, p. 948.

[81] *House File*, No. 163, Thirty-first General Assembly (1906).

[82] *Journal of the House of Representatives*, 1906, pp. 398, 399.

[83] *Iowa Documents*, 1906, Vol. I, No. 1, p. 13.

[84] *Register and Leader* (Des Moines), Vol. LVII, No. 272, March 31, 1907.

[85] *Register and Leader* (Des Moines), Vol. LVII, No. 282, April 10, 1907.

[86] *Iowa Official Register*, 1907–1908, p. 389.

[87] *Iowa Official Register*, 1907–1908, p. 393.

[88] *Iowa Documents*, 1907, Vol. I, No. 1, pp. 23, 24.

[89] *Journal of the Senate*, 1907, pp. 142, 217, 229, 230, 269, 270, 589, 719, 720, 874, 875.

[90] *Senate File,* No. 38, Thirty-second General Assembly (1907); also *Laws of Iowa,* 1907, pp. 76, 77.

[91] *Journal of the House of Representatives,* 1907, pp. 300, 314, 476, 501, 540, 597, 658, 659, 660.

[92] *Laws of Iowa,* 1907, pp. 76, 77.

[93] *Iowa Documents,* 1907, Vol. I, No. 1, p. 24.

[94] *House File,* No. 10, Thirty-second General Assembly (1907); *Journal of the House of Representatives,* 1907, p. 110.

[95] *House File,* No. 477, Thirty-second General Assembly (1907); *Journal of the House of Representatives,* 1907, pp. 1198–1200, 1243, 1244, 1269, 1270, 1370, 1461–1463.

[96] *Journal of the Senate,* 1907, pp. 1401.

[97] *Laws of Iowa,* 1907, pp. 50, 51.

[98] *Laws of Iowa,* 1907, pp. 63, 64.

Senator J. J. Crossley was, perhaps, the most active member of the General Assembly in securing the passage of this legislation. In 1902 he introduced a primary bill, Senate File, No. 2; in 1904, Senate File, No. 3; in 1906, Senate File, No. 2; and in 1907, Senate File, No. 3. As a member of the Committee on Elections he had much to do with the shaping of the bill finally enacted into law. In an article on *The Regulation of Primary Elections by Law* in *The Iowa Journal of History and Politics,* Vol. I, 1903, pp. 165–192, Senator Crossley reviews the evolution of the primary method of nominating candidates.

[99] Hamilton's *The Dethronement of the City Boss,* p. 93.

[100] *Laws of Iowa,* 1907, pp. 41, 42, 44.

[101] *House File,* No. 265, Thirty-second General Assembly (1907); *Journal of the House of Representatives,* 1907, pp. 341, 906.

[102] *House File,* No. 359, Thirty-second General Assembly (1907).

[103] *Journal of the House of Representatives,* 1907, p. 594.

[104] *House File,* No. 284, Thirty-third General Assembly (1909); *Journal of the House of Representatives,* 1909, pp. 475, 1038, 1342.

[105] *Senate File,* No. 268, Thirty-third General Assembly (1909); *Journal of the Senate,* 1909, pp. 546, 652, 938, 939.

[106] *Laws of Iowa,* 1911, p. 39.

[107] *Senate File,* No. 46, Thirty-fourth General Assembly (1911); *Journal of the Senate,* 1911, p. 1057.

[108] *House File*, No. 95, Thirty-fourth General Assembly (1911); *Journal of the House of Representatives*, 1911, p. 476.

[109] *Laws of the Territory of Michigan*, Vol. I, p. 529.

[110] *Laws of the Territory of Michigan*, Vol. II, p. 563.

[111] *Laws of Iowa*, 1849, p. 133.

[112] *Code of 1851*, p. 371.

[113] *Laws of Iowa*, 1907, p. 42.

[114] *Laws of Iowa*, 1907, pp. 63, 64.

[115] *Laws of Iowa*, 1894, p. 62.

[116] *Laws of Iowa*, 1886, p. 192.

[117] *Laws of Iowa*, 1892, p. 60.

[118] Kelso *vs.* Wright, 110 Iowa 560.

[119] Carrothers *vs.* Russel, 53 Iowa 346.

[120] In the Iowa elections of 1910 the railroad interests were desirous of defeating one of the Republican candidates for Railroad Commissioner. The following is the form of a sample ballot distributed by the railroads to their employees:

> For Railroad Commissioner vote for two:
>
> ☒ David J. Palmer
> ☒ James H. Wilson
>
> To vote place x in ☒ before each name as above.

[121] Pelzer's *The History and Principles of the Democratic Party of Iowa* in *The Iowa Journal of History and Politics*, Vol. VI, p. 182.

[122] *Laws of the Territory of Michigan*, Vol. I, p. 529.

[123] *Laws of the Territory of Michigan*, Vol. II, p. 563.

[124] *Laws of Iowa*, 1849, p. 133.

[125] *Code of 1851*, pp. 371, 372.

[126] *Register and Leader* (Des Moines), March, 1912.

[127] *Laws of Iowa*, 1886, p. 192.

[128] *Laws of Iowa*, 1892, pp. 59, 60.

[129] *Code of 1897*, pp. 419, 421, 1936, 1937.

[130] *Register and Leader* (Des Moines), Vol. LXII, No. 352, June 18, 1912.

[131] *Laws of Iowa*, 1894, p. 62.

[132] *Laws of Iowa*, 1886, p. 193.

[133] *Laws of Iowa*, 1904, p. 36.

[134] *Laws of Iowa*, 1907, p. 63.

[135] *Laws of Iowa*, 1907, pp. 41, 42.

[136] Quoted from Jones's *Readings on Parties and Elections*, pp. 261, 262.

[137] *Laws of Iowa*, 1898, p. 70.

[138] *Laws of Iowa*, 1907, p. 44.

[139] *Register and Leader* (Des Moines), Vol. LXI, No. 130, November 8, 1910; *The Marshalltown Times-Republican*, Vol. XXXVI, No. 263, November 8, 1910, and No. 264, November 8, 1910.

[140] *Laws of Iowa*, 1892, p. 47.

[141] *Laws of Iowa*, 1892, p. 58.

[142] *Laws of the Territory of Michigan*, Vol. II, p. 563.

[143] *Laws of Iowa*, 1880, p. 79.

[144] *Laws of Iowa*, 1907, p. 51.

[145] *Laws of the Territory of Iowa*, 1838–1839, pp. 166, 188, 189.

[146] *Laws of Iowa*, 1849, p. 133.

[147] *Code of 1851*, pp. 371–373.

[148] State *vs.* Douglas, 7 Iowa 413.

[149] State *vs.* Sheeley, 15 Iowa 404.

[150] State *vs.* Minnick, 15 Iowa 123.

[151] State *vs.* Savre, 129 Iowa 122.

[152] *Laws of Iowa*, 1898, pp. 59, 60.

[153] *Laws of Iowa*, 1904, p. 36.

[154] *Laws of Iowa*, 1907, pp. 63, 64.

[155] *Laws of Iowa*, 1907, p. 42.

[156] *Code of 1897*, p. 1949.

[157] Quoted from *The Marshalltown Times-Republican*.

158 *The Marshalltown Times-Republican* for March 12, 1912.

159 *Laws of Iowa*, 1907, pp. 76, 77.

160 *Laws of Iowa*, 1898, p. 70.

161 *Laws of Iowa*, 1907, p. 44.

162 *Laws of Iowa*, 1911, p. 39.

163 *Laws of Iowa*, 1907, pp. 50, 51.

164 Jelf's *The Corrupt and Illegal Practices Prevention Acts*, 1883 and 1895, (London, 1905), pp. 83–218.

165 Powell's *The Essentials of Self-Government*, (London, 1909), p. 169.

166 *Registration and Election Laws*, Delaware, (Dover, 1910), p. 129.

167 *Election Law*, Indiana, (Indianapolis, 1910), p. 111.

168 *General Election Laws*, Oklahoma, 1911, p. 29.

169 *Election Laws*, Montana, (Helena, 1910), p. 86.

170 *General Election Laws*, State of Washington, (1910), p. 61.

171 *Election Laws*, Illinois, (Springfield, 1910), p. 60.

172 *General Laws*, Special Session of 1912, Minnesota, (Minneapolis, 1912), pp. 26, 27.

173 *Election Laws*, Missouri, (Jefferson City, 1911), pp. 151, 152.

174 *Statutes Relating to Elections*, Oregon, (Salem, 1911), p. 177.

175 *Statutes Relating to Elections*, Oregon, (Salem, 1911), pp. 175, 176, 179.

176 *General Laws*, Special Session of 1912, Minnesota, (Minneapolis, 1912), p. 28.

Another purpose of the provision referred to is to prevent the useless waste of money, since badges, buttons, and similar decorations are hardly of any educational value, but serve merely to make a show for the candidate or party.

177 Jelf's *The Corrupt and Illegal Practices Prevention Acts*, 1883 and 1895, (London, 1905), p. 210.

178 *Election Law*, New York, (Albany, 1911), pp. 194–204.

179 *Election Law*, Indiana, 1909, (Indianapolis, 1910), p. 110.

180 *Election Laws*, Kentucky, (1911), p. 69.

[181] *Supplement to an Act to Regulate Elections,* New Jersey, (Trenton, 1911), p. 11.

[182] *General Laws,* Special Session of 1912, Minnesota, (Minneapolis, 1912), pp. 27, 28.

[183] *Supplement to an Act to Regulate Elections,* New Jersey, (Trenton, 1911), p. 17.

[184] *Election Laws,* Kentucky, (1911), pp. 70, 71.

[185] A pamphlet containing a copy of all measures "Referred to the People by the Legislative Assembly", Oregon, (Salem, 1908), p. 103.

[186] *Statutes Relating to Elections,* Oregon, (Salem, 1911), pp. 174, 175.

[187] *Revised Statutes, Penal Code,* Arizona, (1901), p. 1190.

[188] *Laws of Ohio,* 1911, p. 255.

[189] *Registration and Election Laws,* Maryland, (1911), pp. 120–123.

[190] *Supplement to an Act to Regulate Elections,* New Jersey, (Trenton, 1911), pp. 3, 4.

[191] *General Laws,* Special Session of 1912, Minnesota, (Minneapolis, 1912), pp. 29, 33.

[192] *Amendments to Corrupt Practices Law,* Special Session, Wisconsin, (Madison, 1912), p. 4.

[193] *General Laws,* Special Session of 1912, Minnesota, (Minneapolis, 1912), pp. 25, 33.

[194] *Supplement to An Act to Regulate Elections,* New Jersey, (Trenton, 1911), pp. 8, 9.

[195] *Code Supplement of West Virginia,* 1909, p. 22.

[196] *Election Laws,* Wyoming, (Sheridan, 1911), pp. 74, 75.

[197] *Statutes Relating to Elections,* Oregon, (Salem, 1911), pp. 163–169.

[198] *General Election Laws,* Nebraska, (Lincoln, 1911), pp. 84–86.

[199] *Laws of Maine,* 1911, p. 128.

[200] *General Laws,* Special Session of 1912, Minnesota, (Minneapolis, 1912), pp. 23, 26, 29, 30.

[201] *Acts and Resolves of Massachusetts,* 1911, p. 602.

In a primary a candidate may expend money for one conveyance to bring voters to the polls. The English act prohibits hiring of vehicles, but a candidate may use his own or borrow those of his friends. Naturally this

has worked out directly opposite to the intention of the framers of the law in that the well-to-do are well supplied while the poorer candidates have few or none. The effect on the voters may easily be imagined.

[202] *Supplement to an Act to Regulate Elections,* New Jersey, (Trenton, 1911), pp. 9, 10.

[203] Brooks's *Corruption in American Politics and Life,* Ch. VI. This author gives a good discussion of campaign contributions and the publicity of campaign contributions and expenditures.

[204] *General Laws,* Special Session of 1912, Minnesota, (Minneapolis, 1912), pp. 30–36.

[205] *Statutes Relating to Elections,* Oregon, (Salem, 1911), pp. 170–174.

[206] Jelf's *The Corrupt and Illegal Practices Prevention Acts,* 1883 and 1895, (London, 1905), p. 134.

[207] *Election Law,* New York, (Albany, 1911), p. 223.

[208] *Supplement to an Act to Regulate Elections,* New Jersey, (Trenton, 1911), pp. 6–8.

[209] *General Laws,* Special Session of 1912, Minnesota, (Minneapolis, 1912), p. 30.

[210] *Session Laws of Colorado,* 1909, pp. 303–305. This act provided for the paying of election expenses by the State and candidates only. Each party was to receive for campaign purposes twenty-five cents for each vote cast at the last preceding general election for the nominee for Governor of that political party. A candidate might expend forty per cent of the first year's salary, or if paid by fees, twenty-five per cent of the fees collected during the preceding year. This statute, however, has been declared void by the Supreme Court of Colorado.

The Minnesota bill as first introduced provided for free campaign books; but this provision was eliminated before the bill became a law.

[211] *Statutes Relating to Elections,* Oregon, (Salem, 1911), pp. 163–169.

[212] *Wisconsin Corrupt Practices Law,* 1911, (Madison, 1912), pp. 9–11.

[213] *General Laws,* Special Session of 1912, Minnesota, (Minneapolis, 1912), pp. 23–26.

[214] *The Terrell Election Law,* Texas, (Austin, 1908), p. 33.

[215] *Statutes Relating to Elections,* Oregon, (Salem, 1911), pp. 179, 180.

[216] *Sections of the General Code Pertaining to Elections,* Ohio, (Columbus, 1911), p. 29.

[217] *Wisconsin Corrupt Practices Law*, 1911, (Madison, 1912), pp. 13–15.

[218] *Supplement to an Act to Regulate Elections*, New Jersey, (Trenton, 1911), pp. 19–21.

[219] *Supplement to an Act to Regulate Elections*, New Jersey, (Trenton, 1911), pp. 6, 20, 21.

[220] Jelf's *The Corrupt and Illegal Practices Prevention Acts*, 1883 and 1895, (London, 1905), pp. 89–115, 130–133.

[221] *Laws Governing Primary Elections*, Florida, 1909, (Tallahassee, 1909), p. 9.

[222] *Election Law of Indiana*, 1909, (Indianapolis, 1910), p. 111.

[223] *General Laws*, Special Session of 1912, Minnesota, (Minneapolis, 1912), p. 34.

[224] *Supplement to an Act to Regulate Elections*, New Jersey, (Trenton, 1911), pp. 6, 20.

[225] *Wisconsin Corrupt Practices Law*, 1911, (Madison, 1912), p. 16.

[226] *Supplement to an Act to Regulate Elections*, New Jersey, (Trenton, 1911), pp. 9, 10.

[227] A candidate for Congress in one of the Iowa districts reported in 1910 without giving dates or names of the contributors, "Miscellaneous small contributions, $295"; and as expenditures, without giving date or names of persons to whom the payments were made, "Advertising, $171.50. Buttons, $130."

Another candidate reported expenditures as follows:—"7/15/10 — 11/8/10 — Sundry persons — R. R. Fare, Livery, etc. $105."

Another candidate for Congress reported:—

"June 7 to Nov. 8 —

Railroad, sleeping car and auto fares . . .	$362.
Hotel bills	$345.
Newspaper subscriptions and advertising, photos, cuts, printing, and postage and incidentals	$1992.75
Subscription to Republican Congressional Campaign Committee	$3000.00."

Of the statements of the Congressional candidates examined only two reported contributions from the Republican National Committee — one reporting a contribution of $500, the other of $1000.

A candidate for Railroad Commissioner reported as part of his expenditures $25 paid for a suit of clothes lost on a bet — seemingly forgetting Iowa's law against betting. The following explanation is added: "I in-

clude the suit of clothes as I think that if I had not been a candidate for Railroad Commissioner, I might not have gotten into the argument that ended in my betting the suit that X would carry the X district.''

One successful candidate for Congress reported that he had received no contributions, but made no statement regarding his expenditures.

[228] One of these Iowa organizations, disavowing any special political ends, advances as one of their principles that ''we pledge ourselves that we will vote for no candidate of any party who is opposed to the inviolate rights and the personal freedom guaranteed to the individual citizen by the constitution.''— See *Declaration of Principles and Platform of the German-American Liberal Citizens League of Iowa,* adopted by the State Convention at Cedar Rapids, Iowa, February 1, 1910, p. 2.

[229] An example of this would be the money which it is said was expended by local representatives of the railroads in the Iowa State campaign of 1910.

[230] *General Laws,* Special Session of 1912, Minnesota, (Minneapolis, 1912), pp. 23–26.

The act providing for Federal control of newspapers passed during the 1911–1912 session of Congress, requiring a newspaper to publish a sworn statement as to their owners, creditors, and officers, and to label as advertisements any paid matter appearing in their editorial or news columns, may make State legislation unnecessary along these lines.

[231] *Statutes Relating to Elections,* Oregon, (Salem, 1911), pp. 179, 180.

[232] *Wisconsin Corrupt Practices Law,* 1911, (Madison, 1912), pp. 13–16.